

Forest Problems in Kumaon

(Forest Problems and National Uprisings in
the Himalayan Region)

by

Late Pt. Govind Ballabh Pant

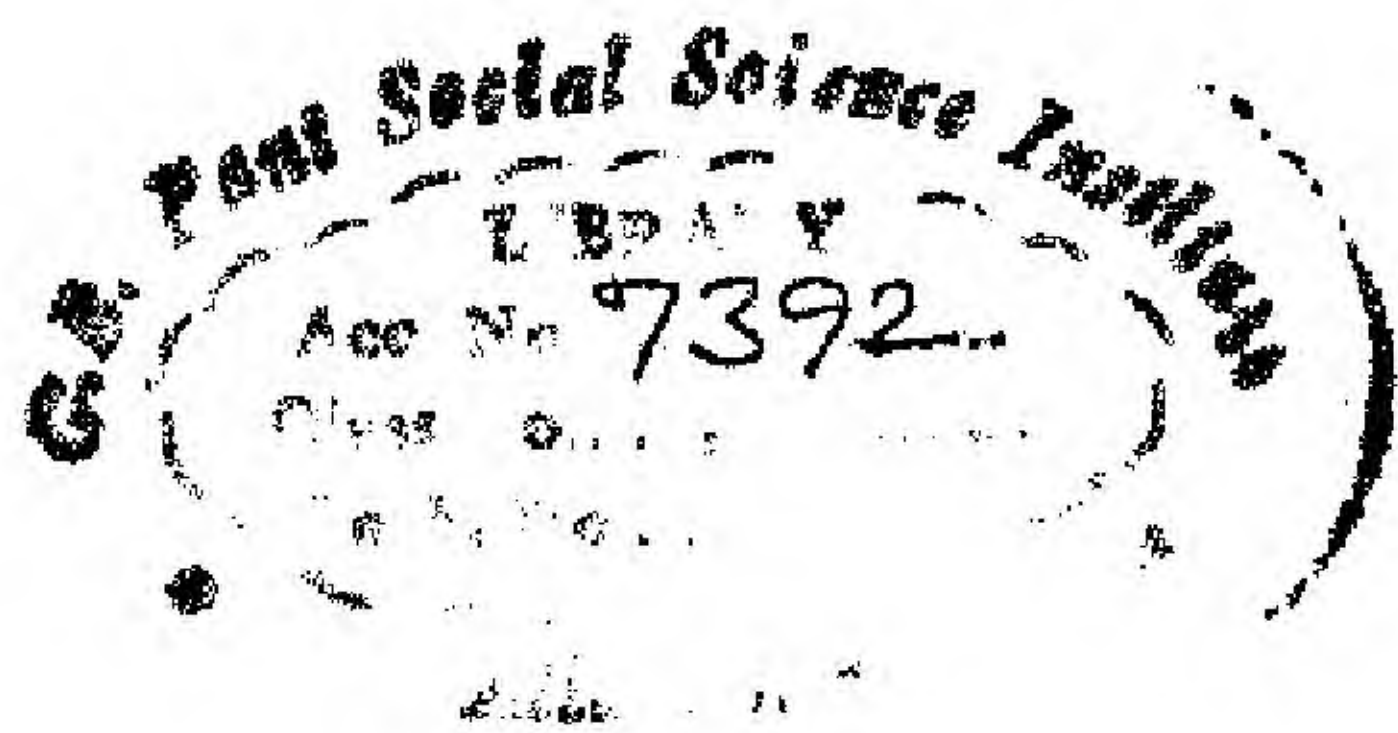
With a Commentary by

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First Published in 1922

Published by B.L. Cousul, Gyanodaya Prakashan Nainital U.P., 263001
and printed at Kay Kay Printers, Kamla Nagar Delhi-110007

PREFACE

We are deeply grateful to Mr. K.C. Pant, Minister of Education, Government of India, New Delhi, for permitting us to republish this work of his late father, Pt. Govind Ballabh Pant. We must also express our sense of gratitude to Dr. Ajay S. Rawat who gave us a zeroxed copy of this rare book which had shrouded in oblivion and facilitated its republication. Dr. Rawat is a pioneer in the field of History of forests and its management in the Central Himalayan Region during the British rule.

PUBLISHER

Pt. G.B. Pant a Profile

Dr. Ajay S. Rawat

Late Pt. G.B. Pant was born to Manohar Pant and Govindi on 30th August, 1887, at Khunt, a hamlet near Almora. The Pants, who have an honoured lineage among the Brahmin families of Kumaon, are believed to have come from Konkan area of Maharashtra. Jaidev Pant as the legend runs was the progenitor of the line who came to Kumaon at the beginning of the eleventh century. Pt. Jawahar Lal Nehru used to call him a son of the mountains. He was in the forefront of the uprisings in Kumaon during the British rule as well as in the movements on the national level which were initiated by the Indian National Congress. In 1905 for the first time he attended the Indian National Congress Conference at Banaras. He took the law degree from Allahabad in 1909 and started practicing in Almora from 1910. He laid the foundation of the Prem Sabha in Kashipur in 1914 and in 1916 was nominated as a member to the Notified Area Committee, Kashipur and Chairman of the Education Committee. In 1916, he founded the Kumaon Parishad. The same year he represented Kumaon as a member to the Congress Session in Lucknow. In 1919, he was made the secretary to the 3rd session of the Kumaon Parishad at Kotdwara and in 1920, he was elected as leader of the Swaraj Party in the U.P. Council. In November 1926, he won the

election to the Provincial Council with an overwhelming majority and in 1927 he was elected as President of the U.P. Political Conference. The same year on November 29th, he led the procession against Simon Commission in Lucknow. On July 23, 1928, he was elected again as Chairman of the Naini Tal, District Board and on May 26, 1930 he was imprisoned for six months for violating the Salt Law. On February 18, 1932, he was arrested and jailed again. In November 1934, he was elected unopposed to the Central Assembly. In February 1937, he was elected as member of the Provincial Legislative Assembly and on July 17, 1937, he was made the Premier of the Province. He resigned from the Provincial Government on February 15, 1938, and on 22nd March, 1939, he attended the Indian National Congress at Tripuri. He played a vital role there and owing to his resolution, Gandhi triumphed vicariously. On November 24, 1940, he was arrested in the Individual Satyagraha and after a year he was released from Almora Jail on November 17, 1941. During the Quit India Movement he was again arrested and jailed in Bombay on August 9, 1942 and was released after about three years from Ahmednagar Fort on March 31, 1945. On June 25, 1945, he took part in the Simla Conference. Next year, on April 1946, he became Chief Minister of U.P. and continued to head the U.P. Government even after independence upto December 1954 when he was invited to join the Union Cabinet. On January 10, 1955, he was inducted as Minister without portfolio. Soon he was appointed as the Home Minister and on February 15, 1955, he appeared for the first time as Home Minister in the Lok Sabha. On January 26, 1957, Bharat Ratna was conferred on him for his dedicated services to the nation.

Pt. G.B. Pant strode state politics as a colossal and in the latter part of his life also played an important role in the national politics until his sad demise on March 7, 1961.

The book written by such an astute politician is perhaps the first of its kind in India and as such he can very well be called a pioneer of the forest history in India. The book is

borne out of his keenness to safeguard the interest of the people whom he was leading in the freedom movement of the country. The book, though written in a vastly different milieu, continues to be of interest for the readers who have an inclination for forestry and environment, nay with the fast depletion of the forests and resultant environmental disturbances along with the ever increasing pollution makes this treatise all the more absorbing.

Commentary

Conflicts over forest claims have been extremely common in India during the British rule, but in Kumaon and Garhwal, forest conflicts were regarded as a medium to infuse a spirit of dissent against the British. The Britishers had annexed Kumaon and Garhwal in 1815. After the British occupation of the Central Himalayan Region (Kumaon and Garhwal), Garhwal was divided into two parts, British Garhwal and Tehri Garhwal State. The land on the east of the river Alaknanda was occupied by the Britishers and was known as British Garhwal. It was attached with the Kumaon Commissionery. The portion on the west of Alaknanda, except for Rawain, Jaunsar and Dehradun was restored to the erstwhile Parmar Rulers of Garhwal and their domain was known as the Tehri Garhwal State. In 1829, the pargana of Rawain was added to Tehri Garhwal State, but Dehradun, Mussorie and Jaunsar were attached to Saharanpur, and on 26th December, 1842, a resolution was passed that these areas shall remain permanently with Saharanpur district.

History of Forest Management in Kumaon Division

The history of forest administration in Kumaon Division may be divided into four periods. The first period lasted from the advent of the British rule to the passing of the Indian Forest Act i.e. 1815 to 1878. During this period the village boundaries were demarcated within which each village used to exercise its right of no cutting timber and collecting fire

period and the most valuable forests were wantonly destroyed by the Government contractors. From 1878, with the passing of the Indian Forest Act upto 1893, the boundaries of different forest tracts in Almora, Naini Tal and Garhwal were demarcated and they were declared as protected forests. These forests being situated in the Bhabhar area* at the foot of the hills did not affect the daily life of the average hill villager; their reservation was, therefore, a matter of comparative indifference to him. It was actually towards the end of 1893 when all waste lands** were notified as protected forest, it can be assumed that the Government adopted a policy of forest conservation. These waste lands were placed under the charge of the Deputy Commissioner who was given the power of a conservator within his jurisdiction.

A year later further legislation provided for the preservation of the following eight species: deodar, cypress, chir, box, sal, shisham, tun and khair. The Government issued a further set of instructions under which the protected forests were classified into two heads, (i) Closed Civil Forest and (ii) Open Civil Forest. It was decided that in the Closed Civil Forest, the District Magistrate would look after the rights and concessions of the village people. In the open forests, the village people had without any interference all the rights and concessions of the forests. In 1910, a meeting of the Government was held in connection with the management of forests and a new settle-

*Bhabhar—The term 'Bhabhar' is applied to the broad belt of foot-hill country at the northern margin of the plains. It is of recent origin and is largely composed of the detritus washed away from the southern face of the adjoining Siwalik hills by swift flowing streams. (Joshi, S.C., et. al—Kumaon Himalaya, A Geographic Perspective of Research Development, p. 14).

**Wasteland—was known as 'benap' or unmeasured land. It was always the property of the State and it was such land which had relapsed into jungle or permanent waste or had never been cultivated before (Stowell, V.A.—A Manual of the Land Tenures in Kumaon Division, pp. 143-144).

ment of forests commenced on 1911. As a result of the forest settlement, new reserves were classified into A, B and C classes. The forests of A class were primarily for the fulfilment of the requirements of the local people and for sale of the forest produce. These forests were placed under the control of the Forest Department for protection. Forests of B class were meant for the preservation of fuel and grass. This class was also under the management of the Forest Department, but here the rigour of control was less severe. The forest of C class stood on the remaining forest land. They were not under the control of the Forest Department and here the village people had full rights as regards, timber, fuel and grazing etc.

During the fourth phase of forest administration in Kumaon Division which commenced from 1911 to 1947, the British policy as has been pointed out by F.C. Ford Robertson was mainly to survey, examine and demarcate extensive areas of trackless forests, populated only by wild animals, to organize its protection against fire and other damage, to enumerate its valuable trees and enlarge for their judicious exploitation, to record minutely, in conjunction with civil authorities, all existing rights and to wage a perpetual war against uncontrolled grazing and lopping, theft, incendiarism and the vested

| <i>S. No.</i> | <i>Forest Division</i> | <i>Year</i> |
|---------------|------------------------|-------------|
| 1 | Naini Tal | 1857 |
| 2. | Ranikhet | 1871 |
| 3 | Garhwal | 1886 |
| 4. | Tarai Bhabhar | 1886 |
| 5. | Ea't Almora | 1893 |
| 6. | North Garhwal | 1893 |
| 7. | Central Almora | 1903 |
| 8. | Haldwani | 1911 |
| 9. | Ramnagar | 1911 |
| 10. | Pithoragarh | 1912 |
| 11. | West Almora | 1925 |

interests of the get-rich-quick timber contractors.

For administrative purposes, the forests of Kumaon Division were divided chronologically into the following divisions:

History of Forest Management in Tehri Garhwal State

History of forests in Tehri Garhwal State, prior to the year 1840 is shrouded in oblivion. This year for the first time forests were leased out to some Wilson, who acquired the right of exploiting forest produce, such as musk, munal, hides of wild animals, fuel timber etc. from the then Raja of Tehri Garhwal State on a paltry '*nazrana*' gift. The forest lease of Wilson ended in 1850, but it was renewed for a very small amount of Rs. 400/- per annum the same year. During the tenure of Wilson's lease, valuable forests of deodar were arbitrarily felled. At the outset he felled trees for timber only, but afterwards he started the work of making railway sleepers as well. He was a pioneer in initiating transportation of wood by waterways from inaccessible places and in this respect his mode of exploiting forest wealth is a landmark in the history of forestry. Wilson's lease expired in 1864. Afterwards the Government of N.W. Provinces took the lease for Rs. 10,000/- per annum. Though the lease was for 20 years only, under an agreement of both parties, it was extended for a year more. After the expiry of the tenure of this lease in 1885, forests were reverted to State control on May 1, 1885. The same year, the Tehri Garhwal State established its own Forest Department. In 1897, the State secured the services of Pd. Keshava Nand from the British Government and since that year, systematic forestry started in Tehri Garhwal State. This task was continued by his successor Pd. Sadanand and finally completed throughout the State by Pd. Ram Dutt who joined the State services in 1907. He prepared a scheme in 1908 according to which the forests were divided into three categories, viz. First Class Reserved Forest, Second Class Protected Forest and Third

Class Village Forest which comprised all waste land not under the control of the Forest Department.

In 1928-29, the Tehri Durbar engaged the services of Dr. F. Heske of Trandt, Germany as Forest Adviser of the State. He inspected the State forests for about a year and left behind detailed reports of the forests and their future management. In later years the demarcation and forest settlement work that followed his departure was to a great extent based on his reports that against each attempt at regulation by the forest department there is a tradition of hundred years of unrestricted use of forest and of stiff resistance by the inhabitants to this regulation. He has further commented that the importance of the Himalayan forest as protected forest cannot be underestimated since it is essential for the welfare of the Indo-Gangetic plain.

By 1940, the State forests were categorized into 3 divisions, viz. Tehri, Uttarkashi and the Jamuna-Tons; they were further subdivided into ranges. Forests were further classed into two types. Reserved and open Forests. Reserved forest meant forests demarcated as such and marked in the forest maps. Open forest was the unmeasured land outside demarcated reserved forest.

The aim underlying the forest management or the forest policy of the State was, (a) to obtain sustained yield from that part of the State forests which was of commercial value, (b) to prevent erosion and land slips, (c) to protect the water heads and thus safeguard the water supply through the streams and rivers that rise in the hills, and (d) to preserve the sources of supply of timber, fuel and fodder for the State subjects. Together with the above consideration, the State Forest Department undertook the work of Fire Protection and preservation of wild and aquatic life.

Forest Movements

The administration of forests in Kumaon and Then Garh

wal State was beset with many complications from the very beginning of the inception of scientific control and management. The local people felt that their rights were being encroached upon since the authorities clamped restrictions on the promiscuous felling of trees and grazing of animals. The inhabitants of the hills relied mostly on forest and forest produce. Before the management of forests was taken up, people had absolute rights over them as if it was their personal property. It was thus obvious that inroads on indefeasible and immemorial rights created a general sense of insecurity and resentment amongst the people.

Further no information was sought into the requirements of the different villages before launching the forest policy. It was only on papers that the authorities were determining the nature and extent of rights alleged to exist in favour of any person or any forest produce of the same. There was little or no compensation awarded to those claimants whose rights were disregarded under section 29, clause 3*.

Thus the people of the hills consistently opposed the forest policy and their resentment was first manifested in 1906 in Tehri Garhwal State. On 27th December, 1906, the forest surrounding the Chandrabadni temple about 14 miles from Tehri town was being inspected preparatory to being brought under reservation. The next morning about 200 villagers armed with sticks assembled at the camping ground where the official tents were pitched and objected to any State interference in the forest over which they claimed full and extensive rights. They attacked the conservator against whom they had a special grudge for introducing forest customs and regulations. The villagers tore his tent and broke his gun, but somehow he managed to escape. Next day the Raja sent his brother with an

*Section 29, Clause 3: No such notification shall be made unless the nature and extent of the rights of the Government and of private persons in or over the forest land or waste land comprised therein have been inquired into and recorded at a survey or settlement.

(Beotra, B.P.—The Indian Forest Act with State Law, p. 41)

armed force to quell the disturbance and arrest the ring leaders but the attempt failed. The Raja thereupon appealed to the British Government for help but the British did not send any assistance because they thought that their interference would lower the Raja's prestige in the eyes of his subjects and encourage disorder and faction. Soon the fire of discontent died down.

In the adjoining hilly terrain also there was a seething discontent against the forest policy. In some cases, the British attitude was of extending preferential treatment to a certain class, e.g. according to notification No. 843F-638-639 of 24th October, 1894, there was a ban on shooting wild animals without a license granted by the Deputy Commissioner. This rule relating to shooting was amended by notification No. 730/XIII-309B, dated 16th December 1902, to the extent that fishing in the lakes of Bhim Tal, Naukuchia Tal, Sat Tal and Maluwa Tal was forbidden except under a similar license. But at the same time, by a G.O. No. 806/251A-3, dated 19th October, 1900, all gazetted officers of the Government, all commissioned officers of the army and all European non-commissioned officers and soldiers, and all Indian title holders were exempted from restrictions imposed on shooting and fishing.

The hill people resented this attitude of the British towards the privileged class. Together with this, the possession and ownership by the Government of barren and 'benap' unmeasured land was considered by the people not only as improper and unlawful, but also as usurpation of their rights. In 1907, a mass meeting was held in this connection at Almora under the presidentship of Major General Wheeler. But nothing fruitful could be achieved. Thus when the resentment reached its acme, the people stooped down to burning of forests. Owing to incendiarism, 24,300 ha of forest was burnt around Naini Tal in 1916. Five years later another outburst caused no less than 317 incendiary fires in Kumaon Division, affecting more than 828 80 sq km of forest. It ruined 1 million, 150 thousands of resin channels and 2 437,500 kg of resin. It also destroyed over

100 thousands flourishing trees and young crops resulting from 25 years of patient tending.

In 1916, the Kumaon Association was formed to deal with the forest problems of Kumaon. Pd. Govind Ballabh Pant worked as its general secretary. He was later elected to preside over the last annual session of this association which was held in December in Almora in 1921. It was he who first published a report voicing the popular demands of the inhabitants of the Kumaon and Garhwal regarding their rights and concessions in the forests. The Government then appointed a committee in 1921 to enquire into the grievances of the denizens of Kumaon and Garhwal regarding their rights and concessions in the forests. The report of the committee appointed in 1921 was known as the 'Forest Grievances Committee Report'.

Forest Grievances Committee

The grievances which were brought to the notice of the committee were as follows:

- (i) Demarcation, owing to which forest boundary pillars often came too close to cultivation or buildings.
- (ii) Lopping restrictions.
- (iii) Restrictions on grazing.
- (iv) Employment of forest guards to enforce numerous rules and regulations and their constant interference with women and children, who under the custom in vogue in the hills are the chief people to exercise on behalf of the villagers such rights as of lopping, collection of minor produce, grazing, etc.
- (v) Large number of forest cases which have either to be compounded or fought out in a criminal court.
- (vi) Unsatisfactory methods of dealing with indents for timber.
- (vii) Rules regarding fire protection.
- (viii) Measured land was taken up within the reserves and in

some cases inadequate or no compensation was given

- (ix) Prohibition of all extension of cultivation within the reserves.

Concomitantly Pd. Govind Ballabh Pant wrote a book, 'The Forest Problem in Kumaon', which was published from Allahabad in 1922. He suggested that:

- (i) Section 78* of the Forest Act should be repealed.
- (ii) Every possible facility should be given to the villagers to obtain fire arms for the protection of their crops and lives. Not only this, but the Government should make a special grant to advance loan to the villagers to enable them to purchase fire arms.
- (iii) There should be no restriction whatsoever in the matter of shooting etc. in the protected or reserved forest. Every individual holding an arms license should be entitled to shoot.
- (iv) In case of forests lying outside the village boundaries, there should be no restriction in the matter of the removal of minor forest produce, and the restrictions should be confined only to such species of timber etc

The Kumaon Grievances Committee re-classified the forests into 2 classes, Class I and Class II forests. The Class-I forests were placed under the direct control of the District Magistrate and the Chief restrictions in these forests were as follows:

- (i) No protected tree shall be felled without the permission of the authorities concerned.
- (ii) In demarcated areas, no cultivation shall be permitted.

*Section 78. All rules made by the State Government under this act shall be published in the official Gazette and shall thereupon so far as they are in conformity with this Act will have effect as if

- (iii) No forest produce shall be sold except for meeting the needs of the village artisans and craftsman.

The Class II forests were placed under the control of the forest Department and the general object of the management in these forests were,

- (i) to provide for the requirements of the right holders,
- (ii) to obtain resin and timber from chir, and fuel and charcoal from oak forests,
- (iii) to improve the quality and density of forests and to obtain regeneration to the normal extent, and
- (iv) to protect hill tracts from erosion and to preserve water resources.

The Kumaon Grievances Committee also recommended that the forests left for villagers should be placed under the Panchayats.

The basic purpose of the Forest Grievances Committee was to give a free hand to the villagers as regards felling of trees by transferring the control of Class I forest to the Revenue Department. Thus during the years 1924-25 and 1925-26, maximum deforestation took place. It was a sheer blunder on the part of the Grievances Committee and Pd. Govind Ballabh Pant to advocate indiscriminate felling of trees through Class I forest. For a moment it quelled the resentment of the people but its negative effects were felt afterwards. Class I forests started deteriorating very rapidly owing to lack of protection which resulted in maltreatment and over fellings. After independence the Government realized its mistake and on 17.11.1964 orders were issued for the transference of Class I forest to the Forest Department.

Forest Satyagraha and Civil Disobedience Movement 1930-31

The next wave of forest unrest coincided with the Civil

Disobedience upsurge of 1930-31. Those days, Gandhi and the Congress leaders urged local organizers again to initiate non-violent resistance against arbitrary laws. Again there were protest fires in the Siwaliks and throughout the 1930's, Forest Department employees had to face physical violence or the threat of it from villagers in the hills. F.C. Ford Robertson, the author of the book, 'Our Forests' is of the view that until 1931, Kumaon was the centre of self-destructive incendiarism, the reserved forests being fire 157 times.

In Tehri Garhwal State also, the repercussions of the Civil Disobedience Movement were felt. On 30th May 1930, the people of Rawain in Tehri Garhwal State, rallied in a place called Tilari to protest against the forest policies of the State. The State army surrounded the demonstrators from three sides and started firing. Diwan Chakra Dhar Jayal was issuing the orders. The people were badly terrorised, a few of them lay on the ground, a few climbed the trees and some of them jumped into the Yamuna to save their lives. It is said that 17 people died and many were severely wounded. After the brutalities in Rawain, the people of Tehri Garhwal State tendered an application to the Viceroy to make a probe into the incident and penalize Diwan Chakra Dhar Jayal and the D.F.O. Padma Dutt Raturi who were responsible for this bloodshed. Concomitantly a request was also made on behalf of the widows and the children of the deceased to extend them financial assistance. But the Government did not accept their demand. The Rawain incident shocked the people so much that even today songs are sung in Garhwal to commemorate this tragedy.

An Investigation into the Villagers Rights of the Reserved Forest of Kumaon

Even after the recommendations of the Grievances Committee, the people in the hills were not satisfied, and in 1938 the questions of the rights and concessions of the village people in the hill reserves was again raised. On this pretext, the Govern-

ment asked the Grievances Committee to consider the rights and concessions of the village people in the Class II forests and the old reserves. The Kumaon Grievances Committee was divided into three district committees, Almora, Garhwal and Naini Tal. Their report was published as, "An investigation into the villagers rights in the Reserved Forests of Kumaon", according to G.O. No. 437/312-XIV-1925, dated 16th November 1939. The district committees relaxed the grazing rights and made recommendations relating to

- (i) improvement of communications, (ii) fresh demarcation of forest boundaries, (iii) settlement of shilpkars*, (iv) extension of resin industry in Garhwal, (v) arm licenses, (vi) sawyers and (vii) introduction of pig and porcupine traps.

A further legislation, G.O. No. 145-AF/XIV-308-1936, dated March 22nd, 1941, further relaxed the grazing rights. In Class I Reserves according to the legislation, all bonafide residents of Kumaon were permitted to graze cattle without limit or restriction, fell and lop trees except for the species deodar, cypress, tun, walnut and box wood, cut grass and exercise all rights of a user. The bonafide resident of Kumaon meant a person who or whose parents had resided in Kumaon for 12 years; and the term cattle meant horses, ponies, mules, cows, bulls, bullocks, buffaloes, sheep and goats.

In Class II Reserves, all bonafide residents of Kumaon were granted the concession to graze cattle free, without counting or restrictions, in any of the forests outside regeneration areas, fodder reserves and plantations.

The promulgation of these rules damaged broad leaved forests to a great extent. Chir forests suffered little from lopping and animal grazing, but there were no restrictions on lopping

*Shilpkar colonies or colonies for the schedule castes were started in 1934, inside reserved forests and land was given to them for cultivation (Gupta and Joshi, Naini Tal, 1971, p. 20).

oak and other broad leaved species in the new reserves, except in regeneration areas, fuel and fodder reserves and plantations. Lopping to get fodder for cattle was extensively practised in the villages and oak suffered most. A large proportion of oak in Class I forest was reduced to little better than scrub.

Grazing also in oak forests was harmful to seedling and in oak copice coupes. In Blue pine, cypress and deodar forests, grazing did a certain amount of harm to regeneration, but as with chir, it was only in exceptional cases that it was bad enough to prevent natural regeneration. However, a considerable amount of damage was done to the standing chir trees by hacking off resinous torchwood from the lower portion of the stem. Such trees were much more liable to damage from fire, and were often blown over in wind storms.

Since the promulgation of these orders, there was no change in the Forest policy upto 1947. But a legacy of suspicion and resistance was created between the people and the authorities which even Independence in 1947 could not entirely cure. Local inhabitants had been enjoying certain rights and concessions since ancient times in the forests of Kumaon and Garhwal. All the trees in the neighbourhood were considered to belong to the villagers within whose boundaries they were situated. When the British Government and the State authorities put a clamp on the indiscriminate right of felling trees, the villagers reacted to this policy violently. At this stage, the Government should have impressed upon the people the utility and value of forests. If the people were not fully aware of the potential value of forests, the Government ought to have appealed to their reason through forest education and removed their misapprehension. But no such efforts were made and politicians took advantage of this situation. In 1912, a wing of the Congress Party was opened in the hills and the Congress workers in the initial stages had no political programme to disseminate consciousness amongst the masses and instigate them against the Government. Through Kumaon and Garhwal

the North Western Line, and while administering this terrain, the geo-political importance of the hills was kept in view by them.

In this strategically important terrain, the British had created an administrative set up where the general masses were content and to turn them against the alien Government was a formidable task. However, there were certain aspects, e.g. the Coolie Begar*, Coolie Utar** and Coolie Burdayash*** system, together with the forest management where the British Government did not act with perspicuity. There was no rapport between the forest authorities and the people at the grass root level. It was thus easy for the politicians to misconstrue the British motive of conservation and harp the tune that the Government was encroaching upon the indefeasible and innate rights of promiscuous felling of trees. As a sequel forest burning and forest uprisings became an important aspect of political movements in the U.P. hills upto 1947, and these uprisings were also responsible for the irreparable damage done to the forests of U.P. Himalayas.

Whatever happened in Kumaon Commissionery, its reper-

*Coolie Begar : Under this system the hill people had to work for the British officials on tour without payment. According to the regulations of the Govt. of Fort Williams, Coolie Begar was the practice of pressing certain classes of the inhabitants of the towns and villages under the denomination of begarees or of coolies for the purpose of carrying baggage or other loads from stage to stage or village to village (The Regulations of the Government of Fort William, Vol. II, Regulation III, p. 605).

**Coolie Utar: When British Officials toured the hills, it was regarded as a duty of the local people to provide coolies for their luggage. This was known as Coolie Utar. Coolie Utar was compulsory, and the status and condition of the individual concerned was not kept in view (Almora Akhbar, 4th Aug. 1913).

***Coolie Burdayash: According to this practice, free ration had to be supplied to the officials on tour, and the people were penalized if they failed to do so. Stowell, V.A.—A Manual of the Land Tenures in Kumaon Division, p. 137).

cussions were felt in Tehri Garhwal State, and there also the forest issue was encashed by the politicians and the divinity of the King could not thwart the political upsurge against the State policy of forest management.

I am grateful to Prof. Richard Tucker and Prof. J.S. Singh for their inspiration.

The Forest Problem in Kumaon

I—INTRODUCTORY

1. The administration of forests in Kumaon has been a source of constant friction, annoyance, hardship and misery. The question has been discussed in the Council Chamber as well as outside, both in the public press and on the platform. The people of Kumaon have been consistently opposed to what is known as the Forest policy from the very start, and it is believed that some of the responsible local officers hold sympathetic views in this matter. The local Government, however, was not responsive, until in May last it was forced by political reasons, to appoint a committee to enquire into the grievances of the people of Kumaon, arising out of the forest policy of 1911. The constitution of the Committee as well as the terms of reference to it being equally illiberal, the announcement failed to arouse any enthusiasm. It is rumoured that the report of the committee is now under the consideration of the Government. It is hoped that its recommendations will mark an advance on the present order, but the committee's scope of enquiry was strictly limited and it was debarred by its terms of reference from making a thorough enquiry into the whole of the forest question. Thus it was not possible for the committee to make proposals for the solution of the problem effectively and finally. The matter will have to be tackled by the intelligent public of these provinces and it may be necessary to raise it in the local legislative council. Under these circumstances it is proposed to deal with the subject, which is of vital importance to more than a million

souls, in the following few pages.

2. The Kumaon Division, consisting of the districts of Almora, Garhwal and Naini Tal, is one of the ten administrative units of the United Provinces. In accordance with physical, fiscal and ethnological distinctions the area comprised in this division may be classified under four heads, namely:—

- (1) The mountainous tract including the whole of the Almora district, practically the whole of the Garhwal district, barring the narrow belt of Kotdwar Bhabar, and the hill patties of the Naini Tal district.
- (2) The Bhabar or the sub-montane zone consisting of the tahsils of Haldwani, Ramnagar and Kaladhungi, and Tanakpur of Tahsil Khatima in the Naini Tal district and Kotdwara in Garhwal.
- (4) The Kham Tarai, *i.e.* Kicha, Gadarpur, Sitargunj, Khatima, exclusive of Tanakpur, and Bajpur tahsils of the Naini Tal district and
- (5) *Pacca ilaqa* or settled Tarai *i.e.* tahsil Kashipur.

We are concerned principally with the hilly tract and the remarks made hereafter will refer to the area included in this class unless there is anything repugnant in the context.

3. As the local conditions of the hilly portion of Kumaon differ materially from those obtaining in the rest of the province and as of the people residing outside Kumaon, only a few are brought into close contact with rural life in these parts, it is desirable to make a few preliminary remarks:

The hills consist of a seemingly endless series of ridges and valleys, each ridge or spur leading to another in a tortuous chain and each valley a stream bed leading down into a larger valley. The upper parts of the ridges that bound the valley are clothed with forest; and on the lower hill sides lie a series of villages with their cultivation interspersed with patches of bush jungle or inferior forest, where the land is too steep or too poor for cultivation, or where an unusual distance intervenes between

one village and the next. Each village usually comprises a strip of the hillside of more or less width and runs from a stream at the bottom of a valley. From the villages that lie in the same valley on either side of it, it is divided by some natural boundary, such as a torrent bed or a spur of the hill. Our typical village lies between three thousand and five thousand feet in elevation; this represents the commonest elevation and the best land in the hills. The village itself lies in the middle of the cultivated part of the hillside and consists of more or less regular short rows of stone-walled and slate-roofed houses, generally two storied with a few isolated houses near by. The average village is small and contains only fifteen or twenty houses. (Stowell : Land tenures of Kumaon hills p. 9-10.)

Land in the hills is mostly held in the *rayatwari* or *bhai-bant* system. Most of the cultivators are proprietors of their holdings. The zamindari system of large landed estates owned by individual proprietors is practically unknown. The proprietary right is in a continuous state of subdivision and each holding is expressed in actual areas, and not in fractional shares of the mahal. People living in higher altitudes lead a pastoral life and depend a good deal on their flock of sheep and goats. Agriculture is the main occupation and source of livelihood, the proportion of people deriving sustenance from land being higher than 90 per cent.

The classification of the land as well as the form and nomenclature of revenue records have little in common with the plains system. Only a small portion of the land is irrigated, the proportion being less than 7 per cent and lucrative crops such as cotton and sugarcane are not grown to any appreciable extent. Almost the entire population to the extent of 98 per hundred lives in villages; the number of towns is very small and none of these contains even ten thousand permanent inhabitants.

4. The timber trees and the other produce of the forests differ according to altitude and locality. In the hill forest the conifers clothe almost every ridge and valley, together with oaks, rhodendrons etc. The Chir or pine occurs throughout the hills of

the Kumaon Division. It flourishes between three thousand and six thousand feet though its limits lie between sixteen hundred and seven thousand. It is usually found alone as it drives out all other vegetation from the tract it occupies. Both in quantity and quality this is the most valuable of the timber trees of these hills. The stems of this tree however are twisted in most of the Kumaon forests and consequently the timber they yield is not fit for building purposes. Chir tree produces resin which is used for the manufacture of turpentine.

Next to chir, *surai* (Cypress) and *deodar* are the other varieties of the conifer common to some parts of these forests. The *deodar* is the most homogeneous and lovely of all the timber trees and its timber is of a very superior quality. Its growth in these parts does not seem to be spontaneous: one comes across its plantations ordinarily in the neighbourhood of temples. Most extensive tracts of *deodar* exist in Kali Kumaon in this division and the most stately variety in the awful solitude of Jageshwar.

Beyond the limits of chir the forest consists mostly of oak which constitutes the bulk of the forest between six thousand and eight thousand feet. Ordinarily it has a dark growth and the wood is hard and gnarled. It is used for fuel and for the manufacture of agricultural implements. Other trees of this group are *kharsu*, *tilonj* and *buruns*. Some of these species flourish at higher altitudes than the oak.

Toon is one of the trees well known for its fine timber, suitable alike for building and furniture, but it is not found in large quantities.

Small varieties of bamboos such as ringals abound in the hills. Formerly they were freely used for the manufacture of baskets, mats, etc.

Most valuable trees grow below 3000 feet and they flourish richly in the Bhabar and the outer skirts adjoining the sub-montane belt which may be regarded as akin to Bhabar in this respect. The most valuable tree is the sal which holds a place second only to teak in Indian forestry. It grows up to a height

of about a hundred feet, and ordinarily has clear stems about thirty or forty feet long. Other valuable species are :—*Sisham*, *sain*, *khair*, *haldu* and *dhauri* in these parts. Fine varieties of bamboo flourish in some tracts, particularly in the Garhwal Bhabar. Both on account of the quality and value of the trees growing in the Bhabar, and the proximity of the forest situated there to the timber markets in the plains these forests possess special value and were the first to be used for the purposes of exploitation.

II.—GENERAL

5. We first hear of forest conservancy in India in 1858. A beginning was made in that year in parts of Burma and Madras. In 1865 the first Indian Forest Act (VII of 1865) was passed by the supreme Legislative Council. This Act authorised the Government to declare forest and wastelands belonging to the Government as reserved forests. While introducing the bill Sir Henry Maine assured the council that it was not the desire of the Government to affect or abridge patty rights over the soil or the produce of forests which had been prescriptively acquired by individuals, villagers or wandering tribes.

This Act was repealed by Act VII of 1878 which still holds the field. The bill was piloted through the council by Mr. Hope who re-affirmed the assurance given by Sir Henry Maine in 1865. In the course of the second reading of the bill, Mr. Dalryell made very wise observations which I take the liberty of quoting below. "On a former occasion," he said "a very similar bill had been characterised by his colleagues in the Board of Revenue, Madras, as altogether too arbitrary, setting the laws of property at defiance and leaving the determination of the forest rights of the people to a department which, in that presidency at all events, had always shown itself eager to destroy all forest rights except those of the Government." He further asked the Council to remember that the rights with which it was proposed to deal were "Those of the poorest, the most ignorant, and the most helpless classes of the people."

There was no provision in the draft bill for declaration of forests as protected forests. Sir John Strachey, the ex-Lieutenant Governor of N.W.P., who had been connected with Kumaon in various capacities in his early days, expressed grave misgivings about the possibilities of some of the forests in Kumaon being declared as reserved forests under the proposed legislation. To allay his doubts the provisions about protected forests were added in the select committee. In this connection Mr. Hope remarked at the time of the third reading of the bill on the 6th of March 1878 as follows :—

“It has been pointed out that ‘*reserved*’ has been loosely used and applied to forests with very varying degrees of restriction, it would be possible under it to convert mere protected forests into highly restricted reserves under the new Act. The feasibility of such action has been specially represented regarding certain forests in Kumaon which are officially styled reserves but in which the people enjoy, *under very formal and clear engagements or guarantees*, rights of a very extensive character. I find it hard to believe that such confiscation would ever be recommended, still to remove doubts section 34 is introduced It is not the desire of the Government to abridge or affect rights over soil or forest produce etc.”

In further explaining the position, Sir John Strachey said, “Special reference was made by Mr. Hope to the changes resulting in section 34 and he stated it affected in particular certain forests in the North-Western Provinces. Having been in past times in various official capacities interested in the forest tract in question I wish to lay further emphasis on my Hon’ble friend’s explanation. I looked upon the original section with extreme distrust. The term reserved forest has in some cases been applied to forests which hardly deserve the name, where the rights of Government are comparatively unimportant and where the people have, from immemorial, been in the enjoyment of large and admitted rights. It will be clear now that it is not the intention of the legislature to make by this section any change in the respective position held by the state

or by individuals in any forest, but that all existing rights shall remain unaltered. I am sure this section will be applied in a manner which will lead to no injustice. I feel that great care will be necessary, and there are special reasons in Northern India of which alone I have any personal knowledge which render such care peculiarly important etc. The forest officer ought to be an expert performing duties under the control of the revenue authorities of the district. He ought not to exercise powers independently of such control, powers which may seriously affect private rights and interest, *the protection of which may be more important than the protection of the forests themselves.*" (Government of India Gazette, 1878).

Thus, chapter IV relating to protected forests and chapter V directing the local Government to declare the forests and waste lands then under its control for purposes of forest conservancy, to be reserved or protected forest, according to justice, equity and good conscience within twelve months from the date on which the Act came in force were embodied in the Forest Act.

6. The Indian Forest Act, 1878, provides for the constitution of forests and waste lands over which the Government possesses proprietary rights into two main classes of forests, reserved and protected; and also for the exercise of control when necessary in the public interest or when the owners desire it, over forests and lands which are private property. Government control over reserved forests is much greater than in the case of protected forests, and the main difference between the two may be summed up in the phrase that in the former everything is an offence which is not permitted while in the latter nothing is an offence which is not prohibited. The Act also contemplated the establishment of village forests definitely owned or enjoyed by village communities, which, after settlement as reserved forests, were to be restored to the villagers subject to conditions of management and use laid down by the local Government. These provisions have, however, remained inoperative.

The Indian Forest Act does not apply to Madras, Burma, and Assam which have separate legislation. The main difference between the Indian Act and these local laws lies in the treatment of unoccupied Crown lands not included in reserved forests. The local laws do not class such areas as protected forests, but subject them to such protective regulations as they deem proper. There are considerable tracts of this character, chiefly in Burma and Assam and these are known as unclassed areas and are not subject to Forest administration. (Report of the Decentralization Committee Volume I, pages 106-107).

7. The general principles laid down by the Government of India for the administration of state forests are enunciated in the Government of India, circular No.22 F, dated 19th October 1894. Under the Government of India Act, 1919, forests in this province are a reserved provincial subject. The local government has therefore got a free hand in the matter.

The state forests in the United Provinces consist of (1) reserved forests (2) protected forests and (3) unclassed forests including leased forests.

The total area of lands under the forest department is approximately two hundred and forty thousand sq. miles. Of these more than 90,000 are classed as reserved forest, 10,000 as protected and the rest as unclassed.

The total area of the forests in the United Provinces under the control of the forest department which fell short of 4000 sq. miles in 1911 has been raised to about seven thousand five hundred sq. miles during the last decade through a process which will be discussed in detail hereafter. Of these no less than 7250 sq. miles are comprised in the reserved forests.

The area of forests appropriated by the forest department in the Kumaon Division comes to about 5000 sq. miles. Almost the whole of it is reserved. About thirty five hundred sq. miles form the Kumaon circle and the rest are practically included in the Western Circle. In addition to this there are about fifty seven hundred sq. miles of what are called protected hill forests in Kumaon proper, (106 in Naini Tal, 3600, Almora and 2000

in Garhwal and 836 sq. miles) known as Tarai and Bhabar special forests, in the Government estates of the Naini Tal district. There are small patches of municipal and cantonment forests the total extent of which should not exceed 25 sq. miles. Probably these too form part of the protected forests mentioned above.

III.—HISTORY OF FOREST ADMINISTRATION IN KUMAON

8. The history of forest administration in the Kumaon Division may be divided roughly into four periods. It can as well be dealt with under the heads 'reserved' and 'protected forests.' But for the sake of facility, a brief narrative is given in a chronological order.

9. The first period lasts from the advent of the British rule to the passing of the Indian Forest Act, *i. e.* 1815-1875. During this period the forests of Kumaon proper were not seriously disturbed as the state confined its activity mostly to the sal zone or the submontane tract, *i. e.* the Bhabar. In the olden times this part of this country was practically uninhabited and covered with dense forests; and some sort of export duty was charged on the timber, bamboo and catechu sent abroad. In the year 1822 Mr. Traill excluded the Thaplas from the leases of forest produce. The revenue fetched by what were known as *kath*, *bans* and *katha* mahals was leased from 1818 to 1828. After that the contract arrangement for felling continued till 1858. No system of conservancy was enforced. It may be noted here that during this period the most valuable forests were wantonly destroyed by the Government contractors. The clearing system was discontinued in 1858 and the forests were managed by Sir Henry Ramsay, the Commissioner of Kumaon, from 1858 to 1868. In the latter year they were made over to the forest department and in 1877 they were formally demarcated and declared as reserved forests under Act VII of 1865. These were the

only reserved forests in the Kumaon Division at the time of the passing of the Indian Forest Act of 1878, and it was admitted in the course of the debate on the bill, that the people were entitled to enjoy, under very formal and clear engagements or guarantees, rights of a very extensive character even in these officially styled reserved forests of Kumaon. It is necessary to state here that the cattle of hillmen were allowed to graze freely in these forests, and the people were permitted to remove forest produce for their use as well as for making mats, baskets, etc. On the passing of the Indian Forest Act of 1878 about 40 sq. miles of these forests were given up and 638 sq. miles were gazetted as reserved forests of the Kumaon Division on 26th February, 1879, and of the latter 290 sq. miles were demarcated by Colonel Garstin for the exercise of rights by the adjoining villages. (District Gazetteer, Naini Tal, page 22). These forests, as I have already stated above, being situated in Bhabar at the foot of the hills did not touch the daily life of the average hill villager; their reservation was therefore a matter of comparative indifference to him. Before the British the Rajas of Kumaon had always exercised ample rights in the Bhabar which they used to regard more or less as their personal domain.

The Naini Tal Municipality was constituted in October, 1850; and some years later the forests in the neighbourhood of Naini Tal were demarcated, but they were gazetted as protected forests only in 1879 after the passing of the Indian Forest Act. Naini Tal was then regarded with some awe not only on account of the numerous tigers and other wild animals that abounded there but also because of the demons and fairies that were supposed to haunt the neighbourhood. The place was therefore not very popular with villagers, and there was no village situated close to the valley. The operations under the Forest Act did not therefore affect the people very much at the time and accordingly roused little opposition.

The forests round Ranikhet in the Almora District were brought under regulation in 1873. Two years after *i.e.* in 1875 the Boldhoti ridge near the town of Almora was enclosed and

sown with chir pine on the express understanding that all restrictions would be withdrawn and the area restored to the people living in the neighbourhood after 20 years. These measures were, professedly, taken in the vicinity of the Municipality and Cantonment areas so as to preserve grass and fodder reserves for the urban population. Broadly speaking, the rights of property of the villagers living in the interior were not seriously prejudiced during the first stage.

10. The process of the disappropriation of the people of Kumaon from the forests advanced a little further during the second stage, 1878 to 1893. Parts of the grant made to an Iron Company were reserved in 1885 and 1890, and during the latter year Gagar and Niglat blocks were also reserved and Dolmar Mora was added to the reserves in the next year.

Similarly a few tracts such as the Adnala and Mandal ranges and the Patlidun and Dhara ranges of Garhwal were reserved in 1886 and 1890 respectively.

Machor, Bhatronj, Syuni, Syun, Belek, Kathlek, Gania-deoli, Karchuli, Cheliana, Chaubatia, Padholi, Dwarson, Siyahidebi and Airdeo in the Almora District and China, Badhakhota, Nalena, Bhowali, Jakh, Lariakanta, and Kuria which lie in the present Naini Tal District, were notified as protected forests during this period.

11. All these protected forests were reserved between 1893 and 1910. Besides some 50 sq. miles more were added to the reserves in Naini Tal during this period. Prior to 1911, the area of reserved forests in the districts of Almora and Garhwal was not large while in Naini Tal it was pretty extensive, about $\frac{1}{4}$ th of the forest areas having been converted into reserves in this district before that year. It was said that these operations were confined to the rarely frequented higher ranges, that they were justified on high physical and public grounds, and that rights had been scrupulously allotted on an ample standard so as to reduce the inconvenience accruing to the villagers to a minimum. In spite of all this, the consequences have proved to be disastrous as will be shown further.

This period is particularly important on account of the momentous step taken by the Government in the year 1893 17th October of that year will be regarded as a red letter day in the fiscal and forest history of Kumaon. The local executive and settlement officers had for some time past been busy quietly digging the grave for the burial of the immemorial and indefeasible rights of the people of Kumaon. Notification No 869F/638-44 of the above date indicated the marked progress of the sepulchral structure which was finally completed by some of the eminent and typical bureaucrats of this province about 15 years later. Between the property-grabbing zeal of the revenue officers and the exhortations of experts of the forest department, the rights of the people were ground down to bring forth the above notification. By this notification all the forests and waste lands of the districts of Almora, Naini Tal, and Garhwal not forming part of the measured areas of villages or of the reserved forests were declared to be protected forests under section 28 of the Indian Forest Act. Thus, by a single stroke of the pen a far reaching change of a sweeping character was effected to which Kumaon owes most of the misery and distress in rural parts. No elaborate arguments are needed to expose the illegality and impropriety of this action. Under section 28 of the Forest Act. "Unless the nature and extent of the right of the Government and of private persons in or over the waste or forest land comprised in the notification have been enquired into and recorded at a survey or settlement,"—the issue of such a notification is forbidden, except in cases of extreme emergency in which, if there be imminent danger to the rights of the Government, the Local Government may (pending such enquiry and record) declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities. In spite of this mandatory provision of the law the enquiry prescribed by section 28 has not yet been held in respect of the Kumaon hill protected forests though a period of about 30 years has elapsed since the date of the notification in question. One has only to read the

notification and its preposterousness will be evident. As has been stated above the entire area of the Kumaon hills exclusive of the measured and reserved forest areas was declared to be protected forests under the Forest Act. Thus protected forests in Kumaon comprise all the snow-clad peaks, hard rocks, inaccessible cliffs, river beds, lakes, intervening spaces between measured fields, almost all the buildingsites and lands occupied by buildings and *dharamshalas*, temple lands, camping grounds, lands brought under cultivation since the settlement and not measured or recorded in the name of any body, roads, paths and tracts, roadside shops, dak bungalow compounds, nazul lands and probably lands inside the recently constituted notified areas, etc.

We have it on record that the notification was issued with a view to asserting the proprietary rights of the Government over these lands. Few of the scattered villages received notice of this order and none of the simple, unsophisticated hill villagers who alone were affected by this declaration could have realized its significance or immense potentiality for mischief, even if they had got scent of it.

Under the rules framed for the management of the district protected forests the administration of these forests was left in the hands of the district officers, subject to the control of the Commissioner of Kumaon and the general supervision of the Conservator of Forests, Western Circle. (Forest Manual, Edition III, page 72).

By Notification No. 846F-638-72, dated 24th October, 1894, certain classes of trees, namely deodar, cypress, chir, box, sal, sisu, tun, and khair, were declared reserved.

By Notification No. 843F. 638-69 of the same date, rules restricting or regulating the use or enjoyment of these forests were promulgated, of which the main provisions are given below:—

- (1) No person shall cut...or remove any reserved tree (except chir tree 3ft. or more in girth at breast height,

and not standing within 100 feet of any road) without a license.

- (2) No person shall cut...or remove any tree other than a reserved tree except for use within 5 miles of the place in which such tree or timber is produced for *bonafide* agricultural or domestic purposes.
- (3) The cutting or removal of trees and timber, and the collection and manufacture and removal of forest produce for purposes of trade is prohibited, except under, and in accordance with the conditions of a license granted by the Deputy Commissioner.
- (4) Lopping of trees above 1ft. 6 inch in girth for fodder or manure is permitted.
- (5) No extension of cultivation, when it involves the cutting of trees, shall be made except with the permission in writing of the Deputy Commissioner.
- (6) Except with the permission in writing of the Deputy Commissioner, no person shall set snares or traps.
- (7) No person shall shoot or hunt or enter any forest in time of snow for the purpose of driving or otherwise destroying game therein, except under, and in accordance with the conditions of a license granted by the Deputy Commissioner.

This rule relating to shooting etc. was amended by notification No. 730/XIII-309B, dated 16th December, 1902, to this extent that fishing in the Bhim Tal, Naukuchia Tal, Sat Tal, and Malua Tal lakes was also forbidden except under a similar license.

By G. O. No. 806/26 1A-3, dated 19th October, 1900, all gazetted officers of the Government, all commissioned officers of the army and all European non-commissioned officers and soldiers, and all Indian title holders were exempted from the restrictions imposed on shooting and fishing, etc. Thus under section 32 of the Forest Act, fishing and shooting in contravention of the above rules was made punishable with 6 months'

imprisonment or with fine up to Rs. 500 or with both. It may be noted here that under the Indian Fisheries Act, any person using any dynamite or other explosive or poisonous substance with intent to catch or destroy etc. is not punishable with more than two months imprisonment or Rs. 200 fine. As to the plain and simple village folk it was further ruled that even the fortunate holders of gun licenses would be liable to be punished for shooting and fishing etc. in the protected forests unless and until they were granted special permission to do so.

12. The officers of the forest department who were responsible for the issue of the above-mentioned notifications of 1893 and 1894 were not content with this. In 1897 the Conservator of Forests, Western Circle, in reviewing the annual administration report of these forests, suggested the classification of the protected forests under different heads so that the areas that were commercially important, (or, in plain language, fit for exploitation) or that constituted the source of wood supply might be made over to the forest department, but the then local Government was opposed to the idea of exploitation of these forests and the proposal fell through. Similar views were reiterated by the Conservator in 1900 but Sir Antony Macdonell would not yield. However, the Forest Department returned to the charge again and again and finally succeeded in influencing the Local Government to move one step further in the desired direction: the Local Government consented to specified hill tops above the cultivation limits being closed for reproduction (vide G. O. No. 695/14-264B of 1st December, 1902). A fresh set of instructions for the working of the rules sanctioned for the Kumaon district protected hill forests was issued on 5th April, 1903 per G. O. 262-14-264B. The opening para is of special significance as embodying the solemn statement "That the protected forests of hill tracts of the Kumaon Division commonly known as the civil forests are managed for the benefit of the residents of Kumaon." It was proposed to divide these forests into two classes:— (a) closed civil forests and (b) open.

"The closed civil forests will comprise such areas as the

Government may consider should be closed for reproduction or protection of trees. As far as possible these areas will be limited to ridges and summits of hills. When any civil forest is closed the Deputy Commissioner shall make a settlement showing the rights of villagers etc. in the area closed. The closed civil forests will be managed by the Deputy Commissioner through expert agency of rangers etc. and open ones through patwaris etc. All rights of villagers, for example, cutting grass, ringals, bamboos, the quarrying of stones, grazing cattle, sheep and goats etc. will be exercisable in the open civil forest without any restrictions, and as to reserved trees while the Deputy Commissioner's permission will be necessary for the cutting of deodar trees, the patwaris and pardhans will be authorised to give permission for cutting other varieties of reserved trees in open civil forests". The villagers were also left free to burn grass according to existing custom. About 350 sq. miles in Garhwal, 450 in Almora, and 100 in Naini Tal were declared to be suitable for this purpose. But before the stage for notifying the areas selected in Garhwal and Almora under sections 28 and 29B as required by the rules could be attained, the amiable gentleman who presided over the administration of these provinces handed over the reins of the Government to Sir John Hewett. About the same time Mr. Shakespeare, the then Commissioner of Kumaon, was replaced by Sir John Campbell. Both of these gentlemen are well-known types of the hide-bound and sun-dried bureaucracy of the Indian Civil Service. Those who followed the proceedings of the Royal Commission on the Public Services in India could not have forgotten the evidence given by Sir John Campbell before that body. Even amongst his countrymen he easily stood first in his distrust and condemnation of Indians. Sir John Hewett has added to his laurels since his retirement and has been rendering most loyal service to India and Indians as the hench-man of the redoubtable Lord Sydenham. These officers were not satisfied with the policy laid by their predecessors but resolved

to go further and far beyond the limits laid down by the latter.

The simple and confiding Kumaon villager had so far quietly borne the steady encroachment into his sacred rights but these violent shocks coming in quick succession proved too much even for him and forced him to give vent to his anguish. There was widespread discontent and the forest policy of the Government was condemned all over the division. In 1907 a monster meeting was held at Almora with Major General Wheeler in the chair in which an emphatic protest was lodged against this policy on the motion of Rai Bhadur P. Badri Datt Joshi who dealt with the subject with great ability and restraint.

In response to this agitation, as it were, Sir John Hewett made a declaration at the Darbar held at Bareilly on the 2nd, November 1908. He re-affirmed that "the Government had no desire to make money out of the forests in Kumaon; and intended to spend for the benefit of the people of Kumaon, the amount by which the receipts exceed the expenses." But in the main he thought that, in order to check the "reckless destruction of the wooded area," it was imperative to bring the waste lands within the purview of Forest-Act, and consequently refused to hold out any hopes for changing the "Orders which had brought the waste lands under the Act." It appears from his speech that up to that time Sir John Hewett had no further designs on the Kumaon forests and perhaps he was not then seriously opposed to the withdrawal of such restrictions as were not necessary for the prevention of the alleged denudation of the wooded area.

13. But soon after he ignored and disregarded the announcement made by him at Bareilly and resolved to give stone to the people who had asked for bread. Sir John Hewett, Sir John Cambell and Mr. Clutterbuck were fast friends. All the three were well-known for their love of sport, and often they went out together in the dense forests for *shikar*. Away from human habitation, and in the darkness of thick jungles, these two knights in league with their expert adviser laid their

plans for carving extensive reserves out of the protected hill forests. This was the culmination of the policy launched in 1893. Thus in 1911 the fourth stage of the policy or the utter annihilation of the immemorial rights of the local population was introduced.

In pursuance of the behests of the new dispensation two Forest Settlement Officers were appointed for the settlement of the Kumaon forests, a settlement which could result only in unsettling the mental peace and physical well being of those whom it affected. Messrs Stiffe and Nelson of the Indian Civil Service took over charge of the districts of Almora and Garhwal respectively in October 1911, and subsequently divided the district of Naini Tal between themselves. They brought more than 3000 sq. miles within reserves, under the Forest Act, and thus raised the total area of reserved forests in these provinces which stood at about 4175 sq. miles in 1912 to about 7500 in 1915. The whole of this area has just been formally and finally notified as reserved forests. One has only to bear in mind that in consequence of these operations, the area of the forest reserve in the Kumaon hills was multiplied more than tenfold to imagine its far reaching effects on the rural life of these parts.

IV.—THE FOREST SETTLEMENT

14. The procedure for the reservation of forests is laid down in the second chapter of the Indian Forest Act and of the Indian Forest Manual. Demarcation of the proposed reserves and preparation of the rights-lists are the two main duties of forest settlement officers. The proclamation under Sec. 6 of the Forest Act is the starting point in the process of settlement. In the opening words of the proclamation addressed to the villagers in Kumaon they were assured by the above named settlement officers that the areas proposed to be reserved were being so dealt with in the interests and for the benefit of the

villagers themselves. As an additional sop to soften their wounded feelings they were assured that in the areas left out of the reserves, almost all restrictions would be withdrawn. In fact the results were quite the reverse of it, but of this later.

No particular care was taken by the settlement officers to adopt identical procedure. Even the forms adopted by the two officers were different. Unlike Mr. Stiffe, Mr. Nelson had additional columns for buffaloes and for the population of the villages entered in the rights list. The proclamations were not free from mistakes. In some cases the persons who were mentioned as having demarcated the areas, had, in fact, never visited the locality concerned. The villagers were not unoften asked to go to places even more than 30 miles away from their homes for presenting their claims etc. The statement of boundaries is lacking in precision and from the specification given in the notifications it is not always possible to fix the spot with perfect certainty. In respect of some of the villages which have been allotted rights, both by Messrs. Stiffe and Nelson, in certain cases there is a marked disparity even in the number of families for the same village as noted by the two officers in their respective lists. The procedure adopted in the investigation of claims etc. was too summary, and contravened the prescribed regulations. Besides the simple villager was hopelessly bewildered and was unable to find out what was being done or what he was required to do. There have been a series of revenue settlements and yet the general mass is not fully familiar with that procedure even. The forest settlement was a strange novelty and in the whole of Kumaon the number of individuals familiar with the intricacies of the forest laws and rules is very limited. In fact the average villager did not in the least realise the importance of the matter.

Forest rights were not determined in the manner prescribed by the legislature. The Act requires the settlement officers to enquire into and determine the existence, nature, and extent of any rights alleged to exist in favour of any person in or over any land comprised in the proposed reserve or in, or over,

any forest produce of the same. Thus each individual case must be determined on its merits. Contrary to this, so far as one can judge, no enquiry was made into the requirements of the different villages, but a sort of, what may be called, a rough empirical method was adopted. The Local Government recommended a certain scale as the maximum permissible regarding the rights admissible there-under, and the settlement officers felt no hesitation in reducing them further considerably. Summary orders of rejection on the ground "that this forest cannot bear more," or that "I have no more to give," were not rare. These orders give a clue to the mentality of the officers. They seem to have regarded the children of the soil as undeserving supplicants seeking doles of charity. No compensation was awarded to those claimants whose rights were disregarded in this manner, though the Forest Act clearly lays down that the settlement officer shall, in such cases, commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit. Appeals from the orders of the settlement officers met with an invariable fate: they were dismissed, practically without any exception. The forest settlement officers were not inspired with any sympathy for the people committed to their charge. Their only care was to make proposals for as intensive and extensive reservation of the forests as possible with a view to the Government getting the maximum revenue out of them.

15. In his parting message to the people of Kumaon delivered on the occasion of the opening of the hospital at Haldwani on 17th April 1912, Sir John Hewett enunciated the forest policy as settled by him: he said that under his scheme which had been sanctioned by the Government of India, the forests would be divided by the forest settlement officers into 3 classes, A, B, and C. "Class A will consist of areas intended principally for the protection and production of timber to supply the timber needs of the people, and for sale to the outside public. It is proposed that these forests should be managed

by the Forest Department. Grazing rights and the grant of produce will then be governed under the existing rules for reserved forests. Class B will also be managed by the Forest Department but under less rigid control than the class A areas. The areas in Class B will constitute a fuel and fodder reserve, and breaking up for cultivation of new land within these will be strictly regulated. There will be no restriction on the rights of the villagers reported at the settlement or recognized by the existing custom in the matter of cutting grass, grazing cattle and the removal of the minor produce or of fallen fuel for their actual use. There will be no interference, except in the case of specified areas to be notified, with the lopping of trees for fodder or manure, provided that the trees are of certain qualities and sizes that will be specified. Class C will consist of the residue of forest waste land and this will be abandoned to the care of the people free from official control, but without the grant of proprietary rights."

The forest settlement officers did not adhere to this classification even. They eliminated class B altogether, and transferred all the areas which ought to have been grouped under B to class A. The forests reserved by them contain both A and B lands but all subject to similar rigid and inexorable control of the Forest Department, all to be governed by the same set of rules, with the result that no land within these reserves can be broken for cultivation and no rights can be exercised in any portion, except under restrictions of a serious character and under rules of a very formal and stringent type, while the grazing of sheep and goats and lopping of oak is tabooed all over, as will be seen hereafter. Thus was Herod out-heroded. A comparison of orders Nos. 843, 846 of 1894 and 262 of 1903 with orders Nos. 413 and 416 of 1915 will show to what extent the promise of handing over the C class land to the people free from official control was maintained. It may only be stated here that not only did certain classes of trees continue to be reserved over the C class lands but also that while under the rules of 1903 such trees could be had for domestic use at half

price and the cutting of trees other than deodar could be sanctioned by the patwaris this practice is not sanctioned by the rules of 1915. Similarly while the breaking of land which did not involve cutting of trees was permissible under the former rules, untterraced cultivation all over and in scheduled *patties* extension of cultivation is prohibited under the new rules. Besides no forest produce can be removed or converted except for strictly domestic or agricultural needs. The difficulties in the matter of shooting continue as heretofore, and while firing in the open civil forests was allowed previously, it is now forbidden within a mile of the boundaries of reserved forests except under very elaborate conditions, so much so that little boys have been whipped and otherwise punished recently for making fire for smoking purpose or for setting fire to the clearings of their fields even in measured areas.

16. There is a universal complaint on the score of the too close proximity of the forest reserves to the cultivated fields and even dwelling houses. In most of the villages one finds the forest pillars prominently standing on the measured fields.

One need not go far into the interior to verify this fact: an examination of the boundary pillars as they are located in villages just on the outskirts of the Naini Tal settlement such as Chorsa, Padli, Sariatal, Bhluti, etc., will fully bear out this complaint. Almost every notification points to pillars being erected on the measured fields. Information collected from villages situated in different parts of this division tells the same tale. In Kumaon proper the average density is nearly one village per sq. mile. Thus *prima facie* there is little spare area to be cut off from the villages. Besides, the aggregate area includes extensive snow-clad ranges, lofty cliffs, and peaks above the zone of vegetable growth, numerous lakes and rivers and the like. These should considerably reduce the estimated area. In the Madras Legislative Council a resolution to the effect that "All reserved and protected forests areas lying within one mile of the occupied area in any village may be disafforested as early as possible" was carried by an overwhelming majority of 67 against

19 on the 2nd August of last year. There was an interesting debate on the motion which is reported *in extenso* in the proceedings of that council (Vol. 2, No. 2 pp. 166 to 179). The Government of Madras had ruled, before the above resolution was taken up by the Council, that such forest areas should not be allowed within half a mile from any village. The Council, however, did not consider this sufficient and insisted on "giving to each village at least one mile of open land for unfettered use from every point in the occupied area." The Madras Government was probably not bound by any solemn pledges, and the village areas there are not confined to measured lands alone. The forests in Madras Presidency had been demarcated long ago. Nevertheless the council considered it essential to give roughly at least 3 sq. miles of forest lands outside the village to the villagers. The mover put the question to the House: "Is it in the interests of the better administration of the country that people should be left, as far as possible, free from harassments and annoyances or is it not?" Mr. M. N. Reddi made some pertinent observations in the course of the debate which are worth quoting here—"The difficulties of the poor ryot are twofold. He has to save his life and his crops from the ravages of the animals with which these forests abound. Naturally being interested in his life he leaves the crop to its fate or the poor man loses his enjoyment with his dear ones at home by keeping watch over the crops day and night. His irregular attendance in the fields will be meted with heavy punishment. His position in life is made so precarious that no sympathetic man will think of him with dry eyes. If there is any body who deserves prompt help of the Government it is the ryot, and until and unless the condition of this insignificant creature is improved, there is no way of improving the country. However insignificant he might be, if he is not taken proper care of, the whole machinery will come down. For want of a nail the shoe was lost, for want of a shoe the horse was lost, for want of a horse the man was lost, and for want of a man the kingdom was lost." These arguments are of a general nature and apply with redoubled

force to these parts. The system of land tenure in Kumaon is extremely rigid. The villager is permitted to regard as his own only the measured or to be more precise, according to the latest development, only the assessed area as his property. Every inch of land outside this is claimed by the State as its property. In the villages down country all the land inside the village boundary including the waste, the unculturable, the forests etc., is the zemindar's recognised property, and he is entitled to extend cultivation to the farthest limit without being subjected to the payment of any additional revenue during the currency of the settlement. Here an iniquitous policy of disappropriation has been steadily followed for decades with the result that the time honoured boundaries are now characterised as nominal, and the villager is not allowed to extend his cultivation even one inch further without encroaching on *benap* land...Except under special circumstances he is liable to be prosecuted for this, and even if he is fortunate enough to get a *nayabad* grant, he is saddled with additional revenue from the day he takes it up. Besides culturable waste in Kumaon is neither extensive nor good of its kind (Atkinson Vol. 3,414) and it is scattered all over. Even "at the time of Mr. Beckett's settlement good arable land had become scarce" (Ibid 489) and "the country from its mountainous character presents, within a large area, but a small portion of culturable land" (Ibid 499). Thus unstinted elbow room is needed in our villages so that the villagers may fall upon and select the culturable tracts for agricultural purposes.

17. At the same time agriculture in the hills is an arduous and precarious task "the labour involved in cultivation is of course very great and the least neglect results in an overgrowth of thorny bushes, wild raspberry, *ghinghru* and other scrub jungle, which grows so quickly and profusely in the hills." (Mr. Goudge's settlement report) "There are several causes which make cultivation in the hills more precarious than in the plains where those causes do not exist, at any rate, to the same extent, namely, floods, landslips, cattle diseases, mortality

among cultivators, and loss of *asamis* or cattle" (Beckett's report page 9). To these causes may be added the vagaries of the monsoon and the frightful ravages of the wild animal. The hill soil is neither rich nor fertile, as only the thin surface layer contains the productive ingredients. There is little of irrigated land and unless profusely manured the out-turn is very meagre. Deterioration sets in very soon and signs of exhaustion are visible today in most of the villages. The average yield per acre of the present day compares very unfavourably with that recorded by Mr. Beckett.

Up to about 30 years ago there were no restrictions of any sort in the matter of extension of cultivation, etc., yet Kumaon is not able to feed its population today. Apart from grain—the major portion of which consists of coarse varieties—Kumaon does not produce any other crops worth the name—yet the supply is not enough for its wants. A reference to any issue of the United Provinces Government gazette will show that prices are always inordinately high in the hill markets and famine rates prevail throughout. Grain worth 3 to 4 lakhs is imported every year from Haldwani, Ramnagar, Tanakpur and Kotdwara. This in spite of the fact that a portion of the adult population is forced to stay outside on account of the unequal pressure of population on the land. We do not export any commodity except a little turmeric and chillies and many parts of the country are so far away from the markets that it is not possible to carry grain there if the local produce is deficient for the local needs. However, good the harvest be it is insufficient for the growing numbers.

"It is as if the lean kine had eaten up the fat and were no wise bettered by their meal. The rise in prices has not been effective—owing to isolated position change has been from plenty to famine. The effect has been more and more to drive the Garhwali abroad to seek a living" (Pauw: 77). Mr. Beckett noted an increase of about 80 per cent. as compared with the cultivated area of the preceding settlement and Mr. Pauw about 78 per cent. At the time of Mr. Goudge's settlement the total cultivated

area of Almora and Naini Tal hills was about 463 and 77 sq miles respectively. Thus roughly the cultivated area increased by about $2\frac{1}{2}$ per cent per year. Thus however was inadequate and the average holding comes to about 3 acres only. Mr Goudge in 1903 reiterated what Mr. Pauw had observed about the district of Garhwal, a decade previously. "The increase in population has out-run the extension of cultivation and the result, as Mr. Pauw observed in Garhwal, would be to make the revenue more burdensome...the great rise in the prices also cannot be an unmixed benefit since it is impossible to suppose that all parts are within reach of profitable markets. It is hardly an exaggeration to say that the main object of cultivation in the hills is to produce cheap food for people whose livelihood is derived from other occupations and who reside in a tract where the cost of importing grain is almost prohibitive" (Mr. Goudge's report). Under these circumstances it would be most unwise, if not suicidal and criminal, to adopt a policy that is even remotely likely to hamper the extension of cultivation in the hills. But the forest officers have brought almost all lands of any worth or value within the reserves and the little that is left is almost useless. In Naini Tal hill pattis only about 106 sq. miles of C class lands are left. This is not much in excess of the extent of the measured area and should consist mostly of the intervening spaces between measured fields. Then there are numerous lakes etc. which contribute towards this total area. In Garhwal the corresponding figures for C class lands or protected forests are apparently high but these include extensive snow-clad regions so that for all practical purposes there is little room left for extension. This by itself should be enough to knock the forest policy on the head.

18. In the matter of forest rights the position is not a whit better. Any person who cares to go to the villages and study the question on the spot can easily notice the wide disparity between the recorded rights and the barest needs of the village community. The evidence collected on the point by the Kumaon Association is characterised by absolute unanimity. Also, though

the proceedings of the Forest Committee presided over by Mr. Wyndham have not been published all the testimony before it, too, is reported to be of the same character. The number of villages which have not been granted any rights is not small and the rights allotted are meagre and inadequate and much more stinted even than those notified at the previous settlements of isolated tracts.

As has been already pointed out the scale suggested by the Local Government was regarded by the forest officers as prescribing the maximum which they never transgressed. The Government scale itself is too stringent. Five heads of cattle were fixed by the Government, calves above one year being not excepted and 1 buffalo being regarded as equal to 2 heads of cattle. According to this estimate a family possessed of one old superannuated buffalo with 2 calves aged $2\frac{1}{2}$ and $1\frac{1}{2}$ years cannot be allowed to keep more than one plough ox. The idea of parting with old or worn out cattle is simply reprehensible to a Hindu, and more than 98 per cent of the rural population in the hills consists of Hindus. The milk cattle go dry after a short season of a few months and in order that some little milk may continue to be available for little children throughout the year one must keep at least 3 cows. "The hill cattle are usually small in size...the cows are wretched milkers, producing usually not more than a seer a milk a day. The sheds are littered with oak leaves and their contents are taken to the fields. Fodder consists chiefly of grass, mulberry or oak leaves or straw. The cattle graze on the stubble of harvested fields and in the forests and village pastures. Grain and salt are rarely given. In the summer the villagers of the neighbourhood drive their cattle up to the great oak forests on the higher hills; there they make a more or less permanent cattle station, not leaving until the rains have set in. Sales of cattle are rare. Cultivators usually breed their own plough cattle. Cattle are often visited by rinderpest." The above extracts are quoted from Mr. Walton's District Gazetteers of 1910-11 and relate to the pre-settlement state of things which has been completely swept away by the

settlement. The cattle are small in size and the surface of the fields is very rugged and stony. Owing to the steep nature of the mountainous regions except, in the irrigated parts, there is a general deficiency of moisture. As soil is very thin on most hill sides and lies over a stony sub-soil, manure is absolutely essential for purposes of cultivation. Only natural manure is available; the cattle are fed on oak leaves and the litter mixed with their droppings is taken out and spread on the fields or the cattle are penned on the fields they are intended to enrich (Almora Gazetteer page 49). Thus a larger number of cattle is needed here than in the plains for agricultural requirements and five per family are too few. The settlement officers however have invariably allotted less than 4, and, apart from other considerations, they freely reduced this number wherever they thought that open area could be available for grazing

| <i>Name of reserve</i> | <i>Number of families</i> | <i>Number of cattle admitted to free grazing.</i> |
|---|---------------------------|---|
| 1 Phalkedar, Shor, Almora, } area about 3000 acres | about 1400 | about 1100 |
| 2 Thua, Naini Tal, 3200 acres | „ 1300 | „ 1000 |
| 3. Chanda Devi, 9000 acres | „ 1150 | „ 1600 |
| 4 Binaik, 30000 acres | „ 2200 | „ 3200 and 400 buffaloes. |

purposes outside the reserves and in no case have they transgressed the limits which they considered desirable in the interests of the reserved forests.

Just to illustrate the liberality of the settlement officers the figures for a few reserves are given back page:—

It may also be noted here that some rights of grazing have been given in exchange for measured lands included within the

reserves and in some cases the cattle are allowed to graze only by way of concession, and, in some cases only for part of the year such as 4 or 8 months. Like other bureaucratic systems, in particular those under the direction of narrow minded experts, the administration of forests has grown more and more rigid, inhuman and iron with the lapse of time.

At the commencement of the introduction of the forest policy, rights of all sorts were granted in the reserved forests and these rights were not limited or defined, and the right of grazing, as of timber etc., being unlimited the villagers were free to graze as many cattle as they liked (vide the settlement of Naini Tal Government Forests by Sir Henry Ramsay and Col. Grigg). This was revised and about double the number of cattle enumerated in the village at the time of the settlement were recorded in the rights list as entitled to graze free.

At the settlement of Dolmar Mara block the number of cows, buffaloes etc., all varieties being treated as units of the same group, does not fall short of three digits for any village while in some cases it goes up to four even: for example, 2640 for Baluti. Similarly Pandegaon, Naikana, Supi and Satbunga were granted the right of grazing 2228, 1281, 1045 and 1155 heads respectively at the settlement of Ninglat and Gagar forests. The average number allotted to a family was not less than 16.

Binayak Dhura Block has a large area and even the most stringent advocate of forest preservation would have no objection to about 25000 heads of cattle being admitted to grazing in this forest. The village of Saur which I am referring to, as I had occasion to visit it with an eminent public worker of these Provinces, lies just on the boundary of Binayak Dhura. It has practically no open forest and has been treated more liberally than other villages having rights in Binayak Dhura, having been assigned 100 cattle and 20 buffaloes for 37 families at the time of the recent settlement. However we found on enquiry that the actual number in the village was certainly not less than 800. In all, as noted above, only 3600 heads of cattle have been admitted for free grazing in Binayak Dhura block and, in spite

of the very wide margin, rights of the people were disregarded as in the case of Saur to the extent of 85 out of 100.

There is a column for sheep or goats in the rights list. I have perused a large number of notifications but not in a single one is an entry noticeable under this head. This is tantamount to imposing a statutory bar on sheep breeding in Kumaon.

19. In the summer the villagers used to make permanent cattle stations in the oak forests on the higher hills for their cattle, as quoted from the District gazetteer but no rights have been recorded in respect of such *kharaks*. In a few cases, and those very rare a concession has been granted in this respect for a limited number of cattle, ordinarily not exceeding a quarter of the number admitted for grazing. This concession is withdrawable at any time without any reasons being assigned.

20. Closely allied with grazing and *kharaks* is the question relating to the lopping of trees for fodder and litter. For these purposes the villagers rely on oak as stated by Mr. Walton. Yet strange though it may seem column 14 of Mr. Stiffe's rights list as also column 16 of Mr. Nelson's which relate to this essential agrarian necessity is quite blank. It appears that this right has not been sanctioned in favour of a single village. In respect of other species the letter C has been generally noted by Mr. Stiffe though Mr. Nelson has used even this discretion very sparingly: for example in the Binayak Dhura block he has sanctioned this concession, further restricting it in some cases to a part of the year, in favour of only 19 villages out of about 90. Even the right of collecting dry leaves which Mr. Stiffe has invariably allowed has been admitted by him in about 30 villages only out of the above 90 which gives a proportion of 1/3rd only.

21. The Government accepted 12½ c. ft. of timber for houses, 2½ c. ft. for cowsheds and a similar quantity for agricultural implements per family. The forest officers again applied their sharp knife; they allowed only from 5 to 8 c. ft for a dwelling house, 1 to 1⅔ for a cowshed and only 1 foot for agricultural implements. Thus they reduced the Government scale to about a half and even this was not granted to many a village. The

number of such villages as have not been allowed any timber for the hoe and the plough is not negligible. It is hard to imagine how the villagers in these areas will manage to till their fields as agriculture without the aid of any implements is of course impossible. The following figures collected from some of the forest notifications are given below to prove the rigidity of the settlement:—

| <i>Village</i> | <i>Number of family.</i> | <i>Timber for (a) dwelling house</i> | <i>(b) cattle-sheds.</i> | <i>Wood for agricultural implements</i> | <i>Block and date of reservation</i> |
|----------------|--------------------------|--------------------------------------|--------------------------|---|--------------------------------------|
| Matena | 55 | 1360 | 574 | 220 | Binsar, |
| Bolta | 70 | 1500 | 980 | 280 | 722/XIV |
| Sunoli | 94 | 2040 | 1130 | 376 | 816 A 35 |
| Katura | 3 | 60 | 28 | 12 | dated 11th |
| Kasun | 50 | 1020 | 350 | 200 | Oct. 1897. |
| Gadholi | 43 | 1122 | 516 | 172 | |
| Jeoli | 27 | 600 | 196 | 108 | |
| Paleon | 68 | 1520 | 700 | 272 | |
| Naini | 15 | 340 | 210 | 60 | |
| Ghuna | 13 | 380 | 170 | 26 | Budlakote, |
| Chorsa | 16 | 310 | 220 | 32 | 551/14-213- |
| Padli | 44 | 1030 | 460 | 88 | 125 dated |
| Budhlakot | 53 | 940 | 560 | 106 | 26th August |
| Kafalta | 38 | 680 | 380 | 76 | 1898. |
| Pangaut | 7 | 300 | 70 | 14 | |
| Ganga | 30 | 93 | 19 | 30 | Gurna, 165/ |
| Gurna | 16 | 63 | 12 | 16 | XIV-26 |
| Kante | 14 | 75 | 15 | 14 | dated 24th |
| Toli Rawal | 7 | 18 | 4 | 7 | February |
| Anu | 8 | 50 | 10 | 8 | 1917 |
| Kubalgaon | 7 | 43 | 9 | 7 | |

| | | | | | |
|-------------------|----|----------------|------|--------------|-------------------------------|
| Amcholi | 20 | ... | ... | 20 | |
| Darimkhola | 9 | ... | ... | 3 | |
| 25 other villages | | ... | ... | I per family | |
| Lohali | 74 | 617 | 123 | 74 | |
| Beduli | 40 | 333 | 67 | ... | |
| Bhadun | 30 | 250 | 50 | Nil. | Thua, 192- |
| 15 other villages | | Similar scale. | | " | 14-25 dated 24th Feb. 1917. |
| Naugaon | 48 | Nil. | Nil | 48C | |
| Naugaon | 9 | 42 | 8 | 10 | Anarpa, 14- |
| Sakdena | 21 | 84 | 16 | 20 | XIV-5 dated 7th January 1916. |
| Saliyakot | 50 | 334 | 66 | 30 | |
| Gahan | 40 | 334 | 66 | 20 | |
| Kapdoli | 37 | Nil. | Nil. | Nil. | |
| Garhagaon | 19 | 125C | 25C | Nil. | |
| Nathuakhan | 31 | 250C | 50C | " | |
| Bijroli | 28 | 160 | 40 | 40 | Jamrari, 17th June 1916. |
| Saukhola | 17 | 80 | 20 | 20 | |
| Bhaunrsa | 83 | 550 | 100 | 140 | |
| Siloti Pant | 40 | 110 | Nil. | Nil. | |
| " Pande | 16 | 35 | " | " | |

I need not cite any more cases. In studying the above chart only this fact has to be borne in mind that as the areas of the reserves have been augmented from time to time, *pari passu* the areas of open forests have been reduced.

22. The right to fuel has been confined to dry and fallen wood only. As has been stated before this, the forests in these parts consist mostly of pine trees which are fatal to the growth of shrubs, bushes or other vegetation. Dry fallen wood can seldom be found in these areas. In some of the previous settlements, such as that of Dolmar Mara, the supply is guaranteed as the department undertakes that if fallen trees are not

available within the reserve green trees will be allotted for firewood. There is no similar guarantee in the case of the extensive forests reserved recently. The dropping of cattle are not sufficient for manuring the fields even, so cowdung cakes cannot be profitably made available for replacing firewood. In fact even where they are so used, as in the plains, the economic waste is regarded as deplorable. One should have thought that even a sun-baked forest officer would hesitate to aggravate the misery of an ill-clad villager and his little urchins by depriving them of genial fire in biting winter months at a high altitude: but the expert is a perfect being and he has not failed to rise above humane weaknesses.

23. The right of blacksmiths to bark and wood for their furnace has been totally denied by the settlement officers, so much so that there is no column for this in their rights lists.

24. Other minor rights, for example, those relating to miscellaneous underwood, fodder and thatching, grass, fruits and roots, bark and leaves of creepers have been unstintedly accepted by Mr. Stiffe but Mr. Nelson has been pretty stiff even in this respect. I doubt if he has allowed even these minor varieties, which have hardly any value from the commercial or forest stand point, to 40 per cent of the villages settled by him.

25. The right of collecting fodder grass for sale was admitted in a number of villages viz. Bhatronj, Damoli, China etc. formerly, but at the last settlement the rights recorded are to be exercised only for genuine agricultural or domestic purposes and not otherwise. The Forest Act contemplates the propriety of the right of cutting or shifting cultivation wherever it is proved but this right has not been admitted in favour of any single village. Some plots of measured land were acquired to be included in the reserves and the compensation offered was so low or nominal that in most cases it was not accepted by the persons owning the land.

26. While under the rules governing the district protected forests, forest produce was not to be taken beyond five miles of their place of origin, presumably because this was considered,

and, rightly, too, to be the maximum extent for the exercise of the forest rights, the settlement officers have allotted the right to some villages in forests situated even at a greater distance from the village site. These rights thus exist on paper only, being useless for all practical purposes.

27. In short, even the prescriptive and indefeasible rights of the user which were recognised in theory, even by those who initiated the forest policy were denied, either wholly or in a substantial measure, by the settlement officers. Further the use of the reserves even to the extent of the scheduled rights and concessions is seriously hampered if not completely nullified by the conditions and explanations governing the exercise of such rights and concessions (vide notification No. 407/XIV-ID dated 14/6/15). One of the conditions annexed to schedule B runs thus: "No right herein admitted or concession granted may be exercised except at such seasons, within such portions of the forests and under such rules as may be from time to time prescribed by the local Government." Again the Government has also reserved the right to close at any time for a period of not more than 20 years for reafforestation or reproduction any block or portion of a block with the Deputy Commissioner's consent or certificate; "also any concession may be withdrawn by the Government at any time and without cause assigned."

Timber is to be calculated on the basis of factors described by the department. The villagers cannot possibly comprehend the highly technical rules for the determination of the cubical capacity of trees. The system of indents makes confusion worse confounded. These indents have to be submitted on some prescribed dates and the process is so tardy and circuitous that before a villager can obtain 1 ft. of timber, the following course of action has to be gone through :—

- (1) He must apply to the headman of the village before the 15th July specifying the object for which he wants the timber.

- (2) Having collected similar applications from the entire village, the headman should submit an indent in the prescribed form along with an abstract of the above mentioned applications between the 15th of July and 15th of September every year.
- (3) After the necessary scrutiny the divisional forest officer may issue a permit to the headman.
- (4) In accordance with the permit the forest officers, having jurisdiction in the block concerned, are expected to mark the trees.
- (5) The trees so marked should be felled and removed before the 30th of June next and any timber remaining within the reserve, after that date, becomes the property of the Forest Department.
- (6) The trees should be felled so as to leave the hammer mark intact.
- (7) After having been thus removed from the reserves in time the timber is to be distributed among the villagers.
- (8) Then the co-sharers who are not entitled to the whole of the stem must arrange an equitable division by mutual consent. If the applicant is lucky he will get his quota but the timber may be twisted or otherwise defective and all this ado may ultimately result in nothing.

Similarly for lopping, apart from other restrictions, all concessions to lop are subject to the following conditions:

- (1) No trees may be lopped to more than $\frac{2}{3}$ rd of its height.
- (2) No branch of more than $1\frac{1}{2}$ inch in diameter may be lopped.
- (3) No tree of less than 1 ft. 6 inch in girth may be lopped.

Likewise, for grazing purposes, first of all the owner of the cattle must satisfy the patwari who is required to make the

distribution in the village; if he fails with him he can appeal to the Deputy Commissioner. After all such appeals have been disposed of, the list will be prepared, describing the number for each constituency. Then a pass may be issued for a definite term, after the expiry of which this distribution is liable to revision in the same manner. Having obtained the pass the villagers must appoint a herdsman for every 50 heads of cattle, so that in case there are 51 there must be at least two herdsman. "The duties and responsibilities of his office" should be fully explained to this dignified functionary, and he should always take his pass with him, which he should promptly produce on being asked by a forest officer to do so. Failure in any respect renders him liable to conviction under the Forest Act. Similar rules, in some of the previous settlements, permitted a flock of 100 for 1 herdsman but these rules fix the maximum at 50. These rulers practically commit the illiterate rustic to the sweet mercy and under care of the forest menials and render the meagre and precarious rights grudgingly admitted worthless and unreal for all practical purposes.

V.—EXORBITANT PRICE OF THE FOREST RIGHTS

28. Under section 78 of the Forest Act, every person, who exercises any right in a reserved or protected forest, or who is permitted to take any forest produce from, or to cut or remove timber, or to pasture cattle in such forest, and every employee of such person, is subject to an enormous and exacting liability. It is to be doubted if there is any other provision of the criminal law of an equally oppressive and comprehensive character. From the little information I possess on the subject, I am not aware of any other section of any statute pregnant, to the same degree, with a potentiality for mischief and blackmail. This section requires every person answering to the above description "to furnish without unnecessary delay to the nearest forest or police officer any information he may possess respecting the commission of, or intention to commit any

forest offence, and to assist in extinguishing any fire occurring in such forest, and also in preventing any fire which may occur in the vicinity of such forest from spreading to such forest, etc." Thus the price to be paid even for a paltry privilege is enormous. Further the liability attaches to every resident of a village. Even the children and women folk of a concession holder are supposed to be liable to be hauled up before a magistrate, if they omit to hasten to the nearest police officer, say, living at a distance of 15 miles from their village on hearing of the intention of a fellow villager to cut the twig of a worthless scrub in the forest in which they have the right, say, simply, of taking honey or of removing slates. Similarly on noticing smoke in such a forest though it may be at a pretty long distance from the village, say, of 10 miles, if they omit to run to the scene of the smoke, *suo moto*, to put out the fire, they are liable to be convicted. It is really difficult to give an idea of the havoc rendered in these parts under the cover of this section. Recently there have been cases in which people who did their best to put out fires by working in the forest continuously for three or four days were chalaned under this section for having failed to render assistance in extinguishing the fire which broke out in another forest about 6 miles away from their village soon after the first fire. Similarly people were prosecuted for having left the scene of fire before the fire had been completely extinguished though it was proved to be uncontrollable. A respectable agriculturist was fined, though he did participate in putting out the forest fire on the ground that he tarried a little before running to the spot and did not care to take with him the labourers, who had no concern with the fire, engaged in erecting his compound wall. In another case the residents of a village who had the recorded rights of removing wood for agricultural implements from a forest situated at a distance of about 8 miles from their homes were convicted for having failed to render assistance in extinguishing the fire in an adjoining forest, though the fire did not spread to their forest. It is not necessary to multiply instances

further. In these hard times hundreds of villagers have been summoned to the magisterial head quarters from a distance of 30 miles, and over to meet charges under this section. The word of the forest guard is regarded as conclusive and no amount of evidence is considered sufficient to rebut his statement. Some of the villagers were ordered to pay large sums by way of fine on this account at the rate of Rs. 30 or 40 per head though a dire famine has been their lot during the past year. Hundreds of villagers were busy day and night in this dangerous task but not a pie was paid to them by way of remuneration. From the deposition of the forest officers it is proved that at least two persons were burnt to death while putting out the forest fires but no compensation has been paid to the families of either, not even letters of sympathy were sent to them though they had lost their bread winners in the deceased. From the harrowing spectacle seen in this connection it is open to doubt if it is an advantage to have any right in the reserved forest so long as Sec. 78 finds a place in the Forest Act. As it is, almost every individual villager in Kumaon comes within the purview of this section and is, consequently, liable to be imprisoned and fined any day for breach of an obligation of which he may not possess the remotest idea.

29. The practice of setting fire to the forest lands was in vogue in Kumaon from times immemorial. The rules framed for the management of the district protected forests recognised this usage. But there is a strict prohibition against setting fire to the reserves, this is a source of widespread hardship and the opinion of all classes of people seems to be unanimous on this point. The village people have an invincible faith in the utility of firing the forest judiciously. In unfired forests pine needles are piled so thickly that neither men nor cattle can move on the hill side and the growth of grass is also smothered. The burning of the forests at seasonable times is believed to be helpful to the growth of grass without causing any injury to the trees. The prohibition however is not confined to the reserves. It is an offence under the rules which have the force of

law to set fire, except under special conditions and after due notice to the forest official, at any place within a mile of the reserved forest (Notification No. 76/XIV-51 dated the 11th January 1918). As few areas in Kumaon are at a distance of more than a mile from the boundaries of the reserves the prohibition against setting fire practically applies to all places. People are liable to be convicted for setting fire to the stubble in their fields. A little fatherless boy of the age of about 10 who was even unable to state his caste or age was tried for the offence of setting fire to the rubbish in his measured field in contravention of this notification, and was sentenced to whipping last year. Boys of the ages of 10 and 12 were convicted for having made fire for smoking purposes on *nap* lands, while tending goats in their fields, which fire was alleged to have spread to the neighbouring reserves. Similarly two young men were sentenced to rigorous imprisonment for having prepared a ground pipe for smoking in the forest and for having made a fire for that purpose.

In fact the notification is contravened every day as compliance with its provisions is not practicable and whenever the forest or police subordinates are so inclined they can use it as an engine for oppression and blackmail.

VI.—CRUEL INCIDENTS AND HARROWING FEATURES OF THE FOREST POLICY.

30. Reservation of forests gives a wide latitude to the ravages of wild animals. Human life is most sacred. The loss of a few, and sometimes even of one single individual, has been the cause of huge battles and world wide wars in the history of the world. Formation of extensive reserve forests, specially in the midst of disarmed people, is an outrage on humanity. If we take into account the depredations committed by wild beasts and reptiles in the Kumaon division during the last year the recorded total is said to come up to 150. All such deaths

however are not reported and it is not unreasonable to put the actual figure at double this number, that is at 300. It is difficult to calculate the number of persons maimed, disabled or injured by the wild brutes.

The damage to crops and cattle from this source must be tremendous indeed, and if statistics were collected it would not be surprising if the aggregate loss came to about a quarter of the total local out-turn for the year. It would be highly instructive to collect statistics in the villages bordering on the reserved forests and those situated at some distance from their boundary, and a systematic enquiry into the economic condition of a few typical villages would yield highly useful and interesting results. A statement with full particulars as to the names of the owners, the species and the number of cattle killed by wild animals in the village of Majhera during the three years, 1915 to 1917, was prepared and published by Pt. Prem Ballabh Pande of Majhera, who possesses a unique knowledge of rural economy and forestry in these parts, in the "*Shakti*" newspaper of the 24th December 1917. The total loss was calculated by him at Rs. 1024. There are 80 families in the village and the average loss per family comes to Rs. 4½ per year. I have only to add that there is no dense forest in the neighbourhood of Majhera, and it is quite a big village for the hills where the average strength of a village consists of about 20 families. However, even at this rate the annual aggregate loss on account of injury to live stock in the hills would exceed 12 lakhs. There are no figures available for calculating the damage done to the crops. It would require a careful study at the spot for 3 months during each harvest. The results would be simply astounding. In every case the total loss on this account should be immensely greater and it would not be an exaggeration if it were put at double the above amount. Thus apart from the incalculable loss of human lives, the depredations of wild animals cost Kumaon about 36 lakhs in agricultural and live stock. This enormous wastage is largely due to the reservation of extensive tracts in the neighbourhood of populated

areas, and to the paucity of arms licenses.

31. Agricultural arms licenses for protection of crops (Form 17) in force within the districts of Almora, Garhwal and Naini Tal during the last year stood approximately at 400, 700 and 1300 respectively. I have not taken the other classes of licenses into consideration as they are of little advantage to the agriculturist, being mostly possessed by non-villagers. Their number, too, is not large. In area, population and number of villages the districts of Garhwal and Almora are far ahead of Naini Tal, yet the last district possesses a larger number of licenses than the total for the former two districts. The reason is simple. Naini Tal comprises the Tarai and Bhabar Government Estates. Most of the cultivation there is carried on by the tenants directly under the Government; the Government has a direct interest in protecting their crops and cattle, so licenses are ordinarily given to these cultivators without much difficulty. If the figures for the Government Estates are eliminated the number left for the Naini Tal hills will be very small. The total number of villages in the Government Estates comes to about 1100 and these are spread over an area of about 2000 sq. miles. The corresponding figures for Almora are 5000 and 5300 respectively. In the Government Estates there is one fire-arm for every village and for every bit of 2 sq. miles in area. In the Almora district there is one fire-arm for every 12 villages and for 13 sq. miles; that is out of every 12 villages 11 do not possess any license for fire-arms in Almora. In Garhwal and Naini Tal 5 out of every 6 villages are in a similar plight. Besides, a fire-arm cannot be used beyond the limits of the village or portion of the village specified in the license, and, then, too, not outside the measured areas, nor by anybody other than the licensee. Leaving aside the history of the ancient times, if the authorities in Kumaon had simply cared to remember the bold stand taken by Sir Henry Ramsay in the matter they would not have treated us with such callousness. When the policy of disarmament was introduced in British India, Sir Henry Ramsay wrote to Lord Canning in answer to the instruc-

tions of the supreme Government "Whether he was to reward his highlander Hindus and Gurkhas for their loyalty at such a time by taking away the arms which they had used in our service." (George Smith : Twelve Indian Statesmen). As has been stated before this, even those who hold fire-arms under prescribed licenses are not permitted to shoot any animal except on *nap* land; *benap* is interspersed in the midst of *nap* and the buildings, too, are mostly erected on *benap* land, so for all practical purposes shooting of wild animals is a risky job even for the lucky Indian who holds a license. Only the commissioned and non-commissioned officers along with the gazetted officers monopolies that privilege. The children of the soil should feed the wild beasts so that the latter may be fattened to provide game for the strangers, whose title varies directly in accordance with the distance of their homes from the place of *shikar*. There are rules prohibiting *shikar* during certain periods of the year and also for the regulation of shooting etc. There is also an Act penalising cruelty to animals. A government possessed of a tender heart for the beasts of the jungle would ordinarily be expected to assess human life at its proper value but the general policy of the disarmament of the entire community followed side by side with the reservation of extensive forests in the immediate vicinity of populated tracts is apt to raise a suspicion that the government cares more for the protection and preservation of wild animals than of their human neighbours. One may venture to state that whatever pecuniary advantages may accrue from the reservation of the forests they will be more than out-balanced by the devastations of wild beasts nourished and multiplied thereby.

32. If there is one thing above every thing else which the villager must have at any cost it is the produce of the forests. For this, under the existing state of things, he has to depend on the good will of the forest guard. The rights lists may have been framed on as ample and liberal scale as one can imagine but if the forest guard is hostile to the right holder he can render the record absolutely worthless for him. He can set up any

charge, and ordinarily conviction is sure to follow. People have been sentenced to long terms of imprisonment on the uncorroborated testimony of the subordinates of the Forest Departments under circumstances of an extremely suspicious character. A right holder may be equipped with a permit for 100 trees but if the guard has any motive in getting him implicated he has only to cut down a branch of any unmarked tree and the fate of the victim is sealed. There have been instances of this character.

It is mostly the womenfolk in the hills who collect grass and fuel etc., in the heart of the forests. It is not desirable to dwell on this aspect of the matter at any length. But, what is the advantage in getting even the kingdom of the world if we lose our soul in the bargain. There is one invaluable thing which once lost can never be regained. Even if the reservation of the forests were to turn them into a "*kamdhenu*" (perennial fountain of riches) so long as this process involves any possibility of danger to the honour of the family it cannot be acceptable to any self respecting person. That the policy of the reservation of forests does involve such risks is obvious.

VI.—DISASTROUS CONSEQUENCES OF FOREST POLICY

33. The baneful effects of the demarcation of the reserved forests on cultivation and population are amply demonstrated by the condition of the villages situated in the vicinity of these reserves. In the Naini Tal hill patts a number of forests aggregating about a fourth of the unmeasured areas were reserved before the year 1910. Deterioration set in soon after the formation of the reserves, and the hill villages in the Naini Tal district present a rueful sight today. The number of villages which were full of life and buoyancy less than a generation ago but are quite empty now is not negligible. Symptoms of decay are unmistakably visible in many a

village: buildings are tottering, houses are deserted, population has dwindled and assessed land has gone out of cultivation since the policy of reservation was initiated. These gloomy features are visible even in villages not far remote from the Naini Tal settlement. Any one who cares can read the situation. While the value of the landed property has considerably increased in the Almora and Garhwal districts which had been immune from the contamination of rigid afforestation for a long period after the introduction of the same in the Naini Tal districts, it has actually gone down in the Naini Tal tahsil; while the population of Almora and Garhwal increased by about 22 and 18 per cent respectively between the years 1891 and 1911 that of the Naini Tal tahsil has fallen down to a certain extent. If the Naini Tal hill pattis had not been deprived of the benefit of the normal rate of increase as in the rest of the hills the population would have been higher in 1911 at least by 10,000 units. The figures for 1921 have not been published for these pattis so far, but I apprehend that they will not show any change for the better. There is no doubt that the reservation of forests has cost the Naini Tal hill pattis at least 15,000 souls so far. The process of deterioration is still in full progress and villagers are finding it hard to adhere to their ancestral homes. Hemmed in by these forests, life in these parts has been rendered most precarious, and abandonment of the locality is said to be the only available means of relief. This is the indubitable result of the settlements of the forest areas in the Naini Tal district though in the case of these settlements neither demarcation nor the scale of rights was as illiberal and tight as in the recent settlement. If the forest policy is persisted in, disaster will overtake the Garhwal and Almora hills also, only with this difference that it will be more rapid and frightful still.

Mr. Goudge who conducted the settlement of Almora in 1901 arrived at similar conclusions in respect of a tract in Kali Kumaon. In para 9 of his assessment report of that subdivision he ascribed depreciation in agricultural prosperity of certain areas to the fact of the reservation of the Ladhiya forest

which had in his opinion been the cause of great harassment and annoyance to the people. The facts were not accepted by the Government then but coupled with the state of things in Naini Tal the conclusions are too obvious to be befogged any further.

34. Similarly every one acquainted with the condition of the villages in the hills must have been struck with the rapid deterioration of the country in the matter of cattle. Numbers have dwindled immensely, and one should not be surprised if during the last few years they have been cut down to the extent of a half. Cattle have become weakened and emaciated and dairy produce is growing scarce every day: while in former times one could get any amount of milk and other varieties for the mere asking, now occasions are not rare when one cannot obtain it in the villages, for any price for the simple reason that it is not produced there at all. Formerly large quantities of *ghee* were sent abroad but now the Kumaoni villager cannot manage to procure milk even for his children. I remember that in answer to one of the questions put in the local legislative council it was stated by the spokesman for the Government that the export had declined because the villager is himself consuming the *ghee* which he used to export before. One can only hope that the Government was misinformed but so far as the facts go the reason assigned is undoubtedly wrong, and the very reverse of it is the truth. In former times scarcity was unknown in the hills but of late famines have become the order of the day and visit these parts more frequently than other places in northern India. We have had two famines during the last 5 years and some sort of scarcity is always noticeable in some parts or other of the division.

VII.—REASONS AND OBJECTS OF THE FOREST POLICY

35. The reasons and objects which are alleged to have prompted the forest policy are equally erroneous and unsound. In the

course of his speech at Bareilly on 2nd November 1908 Sir John Hewett gave as the reason why the Government some 15 years ago had determined to bring the waste land in the hills under the protection afforded by forest law "that wholesale and reckless destruction of the wooded area was proceeding rapidly all over the hills and that if the denudation of the hill side had not been checked the injury would have been incalculable." The reckless devastation of forests by the people of Kumaon is said to be at the bottom of the forest policy. The bureaucracy is proverbially a compact and close body, and, in fact, its strength and efficiency depend on its common creed and undisturbed continuity of administration and policy. If any member of the body gives expression to an opinion his successor or colleagues seldom care to differ from it. The ball once having been set rolling continues its course gaining fresh momentum. The tale about the denudation of forests by the hillman was repeated *ad nauseum* in season and out of season by those in power so much so that it came to be regarded as an article of faith. I fear I shall be charged with heresy for disputing it today but in reality the boot is on the other leg, and the responsibility for this nuisance rests mostly, if not entirely, on the Government. As has been stated before for about 50 years the Government allowed the continuous denudation of the valuable forests in the submontane tracts by its contractors, charging only a small export duty on the timber extracted. There were no restrictions to regulate the cutting of trees and the fee was levied not on the trees cut but on the timber exported, nor was there any sort of conservancy system. Thus "the forests were denuded of good trees in all places and, were not *sal*, *sissu*, *khair* and *dhauri* largely reproductive, the forest department would have little to conserve in the Kumaon forest circle. The destruction of trees of all species appears to have continued steadily and reached its climax between 1855 and 1861 when the demands of the Railway authorities induced numerous speculators to enter into contracts for sleepers, and these men were allowed, unchecked, to cut down old trees very far in excess of what they could

possibly export, so that for some years after the regular forest operations commenced the department was chiefly busy cutting up and bringing to the depot the timber left behind by the contractors." (Atkinson vol. III, page 852 and Sir Henry Ramsay's report on management of forests published in N.W.P. Gazette supplement dated the 19th December 1861). In this connection one has further to bear in mind that not one of these contractors, perhaps, belonged to the much maligned class of villagers of Kumaon and all of them were outsiders. Similarly large and extensive tracts were given away in the hills for the plantation of tea and fruits, e.g., Kausani, Jalna, Ghorakhal, etc., to Europeans. Special facilities were given to non-residents such as Dotiyals for encouraging and popularising potato cultivation. In the course of the same speech Sir John Hewett said "it is hard to make it clear to the ignorant villager in Kumaon that the unrestricted cultivation of *kheel*, that is unterraced inferior land cultivated intermittently, does any harm to any one." He does not seem to have known that this *kheel* cultivation had been given every sort of encouragement, in fact, it was stimulated by the officers themselves in so far as potato cultivation was concerned. Large areas were set apart for this purpose in the neighbourhood of Binayak Dhura and other peaks so that potato supplies might be easily maintained at Naini Tal. These potato lands were managed in, what is known as, the *kham* system, under which the planters were liable to pay rent on land actually cropped during the year. The cultivation however was of a spasmodic nature and fresh tracts were cleared for the purpose after short intervals, but under the said system the potato planter was relieved of any liability to rent on account of land previously cleared up but not actually under cultivation during the year of demand. At least in the district of Naini Tal the system was in force up to 1895 when an order was issued by Mr. Goudge that rent would be chargeable at Rs. 2 per acre for these lands irrespective of the fact whether the lands are reaped for actual cultivation or not during any year. In former times the *padhans* were enjoined

and the general body of cultivators was exhorted by Messrs Traill, Batten and other settlement officers to extend the cultivation and bring new lands under the plough as swiftly as possible. This was the right policy.

To form an idea of the enormous wastage for which the officers were directly responsible one has only to picture the scene of an officer's camp in Kumaon. The camping ground used to be practically littered with fine pine stems, most lovely species of which were cut down to serve as supports for the *chhappar* erected to stable the officer's horse for the night. It would be no exaggeration to say that the damage done to the forests in connection with official tours far exceeded the total "ravages" of the whole of the patti for the year.

36. In a striking contrast with these unwholesome activities of the government officials, was the conduct of the people living close to the forests. There are indisputable facts that belie the charge against them of reckless devastation sedulously propagated by prejudiced or ignorant persons. The spacious wooded areas extending over the mountain ranges and hill sides bear testimony to the care bestowed upon them by the successive generations of the Kumaonies. All of them are not of spontaneous growth and specially the finer varieties bespeak his labour and instinct for the plantation and preservation of the forest. A natural system of conservancy was in vogue, almost every hill top is dedicated to some local deity and the trees on or about the spot are regarded with great respect so that nobody dare touch them. There is also a general impression among the people that every one cutting a tree should plant another in its place. The forest adjoining the villages in various places are even now superior to those situated farther off and wherever land could be spared it has been appropriated for forest purposes. Grass and fodder reserves are maintained, and even *nap* lands are covered with trees, wherever, though in few cases, such land could be spared from the paramount demand of cultivation. Special care is also taken by the villagers to plant and preserve trees on the edges of their fields though the branches are apt to shut off light and

heat, and cause injury to the crops. If the constant inroads on indefeasible and immemorial rights have created a general sense of insecurity or resentment resulting in indifference to the well-being of the forests, the villagers are certainly not to blame for it. Not the least effort has been made to impress upon the people the utility and value of forests; even to this day no course is prescribed in primary and secondary schools to instruct people in the utility of forest preservation. If it is true that the people were not fully cognisant of the potential value of the forests the Government ought to have appealed to their reason to remove their misapprehension. The fact is really otherwise. The Government itself had no idea till very recent times of the commercial value of these forests, and it did not conceive the possibility of their being worked profitably; and as its interests have been mainly confined to the earning of revenue it felt no scruples so long as cultivation seemed to be the only mode of making the land paying.

37. There cannot be the least doubt that the forest policy has been actuated by a mercenary motive, and probably the Government was misled by the rosy pictures of an *Eldorado* painted by the Forest Department. But apparently it seems doubtful if these forests can be made to yield any profit at all as "they are remote from the main lines of communication, and the market for their timber is therefore not a very wide one. Also the main product is *chir* wood for which the demand in northern India is practically satisfied by the present supply. The prices realised for this wood are therefore likely to be low for some years to come unless indeed the demand for *chir* sleepers can be developed." In fact it was admitted in the Government review on the Annual Forest Administration Report for 1912-13 from which the above extracts are quoted that at one time owing to the enhanced supply *chir* was unsaleable. This calamity had overtaken the *chir* traffic before about 3000 sq. miles of Kumaon *chir* forests were reserved. The Forest Department expected to meet this difficulty through the anti-septic treatment of sleepers. But the undertaking proved a failure.

"The work was attended with by difficulties of which no hint was conveyed to the Local Government when the project was first urged for its acceptance." (Annual Forest Administration Report 1914-15). Consequently the contract for the supply of the treated sleepers was cancelled in 1915-16 as the Government found the business unprofitable. It again reiterated "the forest officers have yet to find a market for the large quantities of *chir* wood at present wasted." Besides, in many parts of the country the stems of the *chir* trees are twisted, the fibre is spiral and the timber is useless except for fuel. The Kumaon Forest Circle has already consumed a substantial portion of the income earned by the Eastern and Western Circles. The Kumaon Circle was formed on 2nd September 1912 and has been worked at an average annual deficit of about 3 lakhs during the last 8 years, the loss during the last 2 years being approximately 3½ lakhs each year; yet the figures are not quite accurate as the income derived from the resin division is included in the totals, as was that of the saw mills division up to 1919. But strictly speaking the revenue derived from these sources is no part of the forest income. Three-fourths of the gross forest revenue of our province is derived from timber and fuel, and the commercial value of forests, from the standpoint of the forest department ought to be determined by the value and out turn of these commodities. But even at a place like Almora imbedded in the centre of the forest region, the department has not been able to meet the local demand for charcoal and fuel, during the most trying seasons of the year, and since it took up the business it has raised the prices enormously as it is protected by a strict and rigid monopoly, and yet it has earned hardly any profit. I am aware of the fact that part of the expenditure incurred in the Kumaon Circle so far is of a non-recurring character. But this circumstance is more than counterbalanced by the comparatively low figures under the heads establishments etc. The forest department has only just taken over the entire demarcated area and there is no doubt that it will insist on the same scale

of expenditure in this circle as is in force in the other two circles. Thus the present recurring expenditure on establishments and fire protection etc. will be more than tripled as the Kumaon Circle occupies well nigh half of the entire area of the provincial forests. Also, the cost of roads, bridges, etc., in the hills is tremendously high and it can hardly bear any comparison with the cost of similar means of communication in the plains.

Even the resin industry cannot be said to be absolutely free from risks. Its present success is mostly due to the late war. As soon as normal conditions are restored in the western countries this industry will have to face a keen competition. The war has affected the Indian manufacturers adversely inasmuch as the cost of labour has risen considerably, and consequently the margin of profit has been narrowed. Any way it does not seem to be necessary to reserve the forests for this purpose. So far as a layman can understand the position the chances of the Kumaon reserved forests being worked at a profit seem to be meagre indeed and the game should be given up as not being worth the candle.

VIII.—THE SAN ASSI (1880) BOUNDARIES AND IMMEMORIAL RIGHTS OF PROPERTY

38. By way of vindication of the forest policy it is claimed by its advocates that in the pre-British days the people had neither any rights in the soil nor in the forests. One of the fictions which has been repeated *ad nauseum*, and not in Kumaon alone, is the assertion that under indigenous rulers the people had no rights in the soil. This statement has engendered serious and prolonged controversies. So far as Kumaon is concerned the position is clear and free from doubt. In treating the question one feels somewhat handicapped as it is difficult to collect materials from independent sources and one has to fall back upon the official records and publications, which cannot be quite unbiased. Mr. Traill was the first Commis-

sioner of Kumaon, having taken over from the Hon'ble Mr Gardner within a year of the annexation of Kumaon. He conducted as many as seven settlements of land revenue from 1817 to 1832, what are known as *san assi* boundaries, deriving the title from his settlement of *sambat* 1880. His settlement records which consist of bound volumes in the shape of *bahik-hatas* contain full details of the boundaries of each village. The important feature of his settlements was this that the village was treated as the unit of the settlement, the proprietary rights of the landlords were never questioned and a clear distinction was made between the *hissedars* and the tenants. Mr. Traill stated as follows in 1821:—"The landed tenures in these mountains have never been disturbed by foreign conquerors, nor have the rights individuals ever been compromised by public sales of lands; the different districts have frequently changed their masters but the natives have always pursued the same revenue system. In these successive revolutions the rights and tenures of land vested in the population at large together with the normal institution have never varied but remain at present in the same form and to the same extent as they existed centuries past. It is on record that the tenure of land suffered few violent changes under the former rulers" (Atkinson vol. III, page 488). In 1825 Mr. Traill wrote to Government that "in the greater portion of the villages throughout the provinces cultivation is in the hands of the actual proprietors of the soil, only in a few the right of property as distinguished from actual occupation being vested in different individuals." He also observed that hereditary transferable rights of property had been recognized from times immemorial (Atkinson, vol. III, p 487). What are known as *san assi* boundaries have been in existence from times immemorial. Mr. Traill only confirmed them after enquiry and entered them in his settlement records. We find that soon after the occupation of Kumaon by the Gurkhas "a commission was deputed from Kathmandu for the purpose of fixing the revenue at an equitable rate.....On the completion of this survey a detailed account of each pargana showing the numbers, names,

size, and extent of the villages was submitted for the approbation of the court of Nepal and from thence a copy under the seal of State was issued." (Ibid 464). Mr Traill further endorsed what had been determined by this Commission. The next settlement officer after Mr. Traill was Mr. Batten. He further examined these boundaries and in cases of difference he determined the rival claims of adjoining villages to intervening strips of land. He prepared a "*sarhad durusi*" file for each village on which the boundaries were specified precisely both by way of rough sketch as well as detailed statements. Mr. Batten states "large portions of waste lands and their vast forests have been included from olden time in the boundaries of the adjacent villages." (Ibid 295). He admitted the right of the villagers to levy grazing dues within their village boundary only in those cases in which the custom of paying and receiving them was proved to be immemorial, but he invariably recognised the right to demand dairy produce from those who benefitted by pasturing their cattle on lands lying outside their boundaries within other villages. He however asserted the right of the Government to the forest and waste lands included within the village boundaries, but only to this extent that he declared that "the villagers within whose boundaries such lands were included would not be entitled merely on account of such inclusion to demand for the use of pasture grounds or for the permission to cut fire wood or timber." "Neither," he added, "does such inclusion interfere *necessarily* with the right of the Government to accept offers for *nayabad* leases." (Ibid 295). Reading through the lines one notices the thin end of the wedge but Mr. Batten only professed to safeguard the villages having insufficient land for pasturage etc. within their boundaries from the exactions of their neighbours.

In his forwarding note attached to Mr. Beckett's settlement report Sir Henry Ramsay noted "under the village tenure which we found obtaining when we took possession of the hills each village had a certain defined boundary extending in many instances for miles and miles into dense jungles and to the tops

of ridges. Such boundaries have never been altered by us," and added "though Government is the absolute lord of the soil and has reserved to it certain rights beyond the cultivated and measured area there is some difficulty in dealing with land, though waste, within a village boundary, for the people adhere tenaciously to their old boundaries and look upon any attempt to abridge them as an interference with their rights, and on any one who steps in, as an enemy and interloper...It has never been thought worth while to levy any grazing fees...It would be interfering with an old established rights." (Ibid 295). Speaking of the forests in and around Naini Tal, Mr. Atkinson remarks that previous to 1845 all the trees in the neighbourhood were considered to belong to the villagers within whose boundaries they were situated etc. (Atkinson, Vol. I, p. 857). The extracts quoted above clearly prove that the villagers were the recognised and lawful proprietors of all the village lands in pre-British times and for a considerable period after the advent of the British rule. Mr. Batten was the first administrator who "asserted" the right of the State in 1845 and that too within very circumscribed limits. His successors gradually advanced upon it and ultimately disowned the rights of the people altogether.

The assertion that the State is the owner of the forests has no basis. There was no distinction between *nap* and *benap* lands until Mr. Beckett's settlement. It is said that grazing dues were charged in former times. Even if this were a fact, it would not necessarily involve any interference with proprietary rights, for as the levy of a tax on agricultural lands was not incompatible with the proprietary right of the cultivator over the agricultural land, similarly the levy of "*ghee kar*" on pastoral land cannot negative the right over pasture lands. Besides we know that in those days every source of income was taxed. It is stated that the tax on hand looms fetched about Rs. 50000 a year while forest dues did not exceed Rs. 3000. Similarly we are told that taxes were imposed on houses, on commerce etc. However, the remark that grazing tax was levied is disproved by a significant sentence in Mr. Traill's account of the fiscal

policy of the Chand Rajas "the *gai charai* or grazing tax had from time immemorial formed a portion of the public assests in the assessments made in the tract *immediately below the hills*." This goes to show that no such tax was levied in the hills. In the Bhabar such tax was levied along with the export duty on other sorts of forest produce. Even there the cattle of hillmen were exempted from the grazing tax. No grazing tax was imposed or collected during the British regime and as noted above, Sir Henry Ramsay remarked. "It has never been thought worth while to levy any grazing fees. *It would be interfering with an old established right.*"

The judicial record rooms as well as the registration offices contain numerous documents which show that from 1815 right up to 1895 the people of Kumaon never suspected that there was any flaw in respect of their proprietary right to unmeasured lands within the boundaries of their villages. Such lands were the subject of partition, private and public sales, and transfers of other sorts.

The grants of former kings referred to entire villages and to all sorts of lands comprised in the villages. Such grants were numerous but none confined to any specific area or particular number of *nales*. Copper plates can be seen in large numbers even today and they fully bear out the above statement. One of my respected friends informed me that a copper plate in his possession which bore some date of the 7th century referred to all the lands in the village. The form of sale deeds in vogue from olden times is of the same nature.

39. Every Government is expected to respect the rights of its subjects. In the case of Kumaon the British Government is bound by definite pledges. Prior to 1792 Kumaon was never subjected to foreign rule. In that year it came under the Gurkhas, and in 1815 the Gurkha rule, which was regarded as a synonym for cruel despotism was brought to an end by the joint action of the British and the people of Kumaon. The Kumaonies were "exhorted and invited" by the British Indian Government to cooperate with and assist the British forces in

“effecting the great object of shedding of the oppressive yoke of the Gurkhas from Kumaon and for excluding from it for ever the power and authority of that state.” At the same time, the proclamation from which the above is quoted solemnly assured the victims of Gurkha oppression that “under the mild and equitable administration of the British Government the people of Kumaon will be protected in the *enjoyment of their just rights and in the full security of their persons and property* (Proclamation prescribed by the letter of Government, dated 9th December 1814). In consideration of, and relying on the sincerity of the promise held out to the residents of Kumaon, the latter were induced to grasp the hand of fellowship offered to them for effectuating their deliverance. The protection of their just rights and full security of their property were definitely guaranteed and, thus the people have a right to the unrestricted and undisturbed enjoyment of the lands within their village boundary which was and had been regarded as the property of the people by the predecessors of the present Government.

40. It will not be improper to quote a few words from the despatch of the Secretary of State to the Government of India dated 17th October 1861; with reference to the sanctity of the rights of property. The Secretary of State wrote to the Government of India that “it is indispensable not only that no violence be done to the long existing rights which sometimes in a rude, sometimes in a complicated form, are possessed by many of the humblest occupants of the soil in India, but that these rights be nowhere slighted or even overlooked. Scrupulous regard for them is one of the most solemn duties of the Government of India as well as its soundest policy, whatever may be the mode in which that Government may think fit to deal with rights of its own. Her Majesty’s Government cordially participates in these sentiments and I trust that you will carefully enforce their observance in all parts of India... The descendants of the old proprietors know their rights, although they may have allowed them to be dormant while no object was to be gained by

asserting them." I have already referred to the sentiments expressed by official members in the course of the debate on the Indian Forest Act. It was then admitted by Mr. Hope that the people of Kumaon are entitled to rights of a very extensive character in the forests officially styled reserves, under very formal and clear engagements or guarantees, and the solemn assurance was given then, too, that "all existing rights shall remain unaltered."

IX.—THE SOLUTION

41. The brief sketch of the history of forest administration narrated in these pages is full of melancholy interest. It is a grim narrative of successive breaches of faith, of promises often uttered to the ear and as often violated in practice. The policy of the Forest Department can be summed up in two words, namely, encroachment and exploitation. The Government has gone on pushing forward, extending its own sphere and scope, and simultaneously narrowing down the orbit of the rights of the people committed to its charge. For about fifty years after the occupation of Kumaon, it confined its activities to the imposition and collection of export duty on the timber in forest produce extracted from the sub-montane tracts; then these were reserved and brought under rigid expert control. Some fifteen years later it turned its gaze to the interior and imposed some restrictions on a few isolated areas with the professed object of preserving fodder and fuel supply for the neighbouring urban centres. Some years later these areas, too, were declared to be reserved under the forest laws. Then, on the plea of preventing the reckless denudation of the wooded areas, the Government declared all the unmeasured lands and even waters as protected forests, and shortly after, it prohibited the removal, collection, or manufacture of timber and every other variety of forest produce for purposes of trade from these areas. Ten years after, it advanced further and

decided to close parts of these protected forests. "All this for the benefit of the people of Kumaon." Its sense of justice and philanthropy did not halt at this and for the advantage and in the interests of its wards, it was compelled to adopt a policy of wholesale reservation of almost all the waste lands. We were then told that the forests would be divided into three classes, and that class B would be open to unrestricted exercise of rights, while class C would be practically made over to the people. But in fact no B class forests were demarcated while the regulations framed for C class lands are found to be more stiff than those previously in force. The net income accruing from these forests, we were told, would be set apart for the development of these parts. Yet, on this very account, full proportionate share of provincial grants for education etc., was not given to the district boards of Kumaon, while the funds received in this manner were partially spent on the acquisition of buildings for the use of forest officers.

42. Consider it as one may, the policy followed in the matter of forests in Kumaon is absolutely indefensible. It is, to say the least, oppressive, vexatious and futile. What is the remedy, then? Petty palliatives will not do, nor will superficial treatment purge the vicious system of its innate poison. Procrastination and short-sighted expediency are the conspicuous traits of the bureaucracy. It is ordinarily incapable of a long vision and seldom cares to look ahead. Consequently its activities are often lacking in vitality and seldom yield durable results. Patch work can only serve a temporary purpose and half measures cannot succeed in achieving large ends: the difficulty is smothered for a little while only to rise again with greater vigour in a more complicated form. The vicious circle is contracted for some time only to expand further thereafter. The result is constant bitterness and ever-growing distrust. In this tortuous process, simplicity is merged in complexity and obvious remedies are hidden from the bureaucratic eye. The times are however changed, nature refuses to be stifled any further and is loudly asking all the misguided to revert to the

first principles. The words are written prominently on the wall and Nemesis is likely to overtake those soon who decline to take note of them. There is no time to be lost; pettiness should give way to large-heartedness, otherwise the cumbersome fabric may tumble down by sheer force of its own weight. You may annul the forest settlement which has not yet been finally adopted all over, and this has become inevitable on political and higher grounds of self-preservation, but thereby only the outer fringe of the question will be touched. The notification of 1893 is simply preposterous and it cannot stand the light of criticism for a moment, nor can it be justified even on plausible grounds. With the knowledge of the disastrous results that have followed on the heels of the reservation of forests in the hills, the forest policy of Government should be radically modified. Mere withdrawal of forest notifications will not completely rehabilitate the forests, nor the Government nor the people. It will only bring us back to the intervening stage of confusion worst confounded. There can be no half way house between *pucca* forest management and spontaneous protection and regulation of the forests. For the former, brute force is the only sanction and it cannot, by its very nature, hold sway indefinitely: it has already been weighed in the balance and found wanting; for the latter, one has only to divest oneself of prejudices and the immense issue is solved in a minute. You must go to the root of the problem and it must be solved finally and completely, no room being left for future dissensions or developments. Little beginnings have brought us to the present *impasse* and if we leave loopholes now they will land us in worse straits in course of time. The disturbance of the *san assi* boundaries and the efforts of the Government at the disappropriation of the people in respect of lands within these boundaries are at the root of the present muddle. The remedy is simple: the memory of the *san assi* boundaries is green and fresh in the mind of every villager and he cherishes it with a feeling bordering on reverence; he is simply unable to see his way to accepting the claim of the Government

to the *benap* lands comprised within his village boundaries and regards every advance in that line as nothing sort of encroachment and intrusion. Let the *san assi* boundaries be vested with their real character instead of being looked upon as merely nominal, and, to remove misgivings, let the areas enclosed within these boundaries be declared as the property of the villagers and all the *benap* lands included within these areas be restored to the village community, subject to such conditions as to impartibility, etc., as may be desirable in the public interest. It is a matter of common knowledge that a large number of memorials were sent by the villagers at their own instance, about the year 1906, asking the Government to restore the areas within the *san assi* boundaries to them: the unsophisticated villager spontaneously reiterates the same demand today. This is the minimum demand of the people and there seems to be no other rational and final solution. The simple fact should not be forgotten that man is more precious in this earth than everything else, the forests not excepted, and, also, that coercion is no substitute for reason, and, however stringent and rigid the laws may be, the forests cannot be preserved in the midst of seething discontent against the unanimous wishes and sentiments of the people. Supercilious disregard of public opinion and popular sentiment is responsible for many of the woes of this unfortunate land. Greased cartridges inflamed the army and the violent eruption of 1857 was the consequence: the partition of Bengal gave birth to the cult of the bomb and to prolonged excitement: the Rowlatt Act is at the root of the universal unrest in the land today. The Government had to give in ultimately in every case, but only after it had been too late and leaving bitter memories behind. The collective intelligence of a people cannot be treated with contempt, and even if it be erratic, it can come round only by being allowed an opportunity of realising its mistake. If the village areas are restored to the villagers, the causes of conflict and antagonism between the forest policy and the villagers will disappear, and a harmony and identity of interests will take the place of the present

distrust, and the villager will begin to protect the forests even if such protection involves some sacrifice or physical discomfort. Every individual is instinctively interested in the preservation of his property. Further, if ways and means be pointed out to the villager, wherewith to benefit himself through the preservation and working of the forests, he will simply grow zealous of this possession of his and will learn to rectify his mistakes, if any. If there have been any lapses in the past, whether of the Government or of the people, they must be attributed to the tension between the parties and to the fact that neither party thought that the forests were capable of serving a useful purpose. If the suggestion made above is accepted, a natural system of conservancy will come into vogue, and with the aid of literature on the subject, which can form part of the curriculum of primary and secondary schools, the villagers can be taught how to make use of the forest produce. The regulation of these areas will be subject to the control of village *panchayats*. Just as in municipal areas regulations are framed by the boards forbidding cutting of trees or erection of buildings without the sanction of the board, similarly rules can be adopted regarding *kheel*, *katil* and other matters by the *panchayats*. These rules should ensure ample freedom for each individual so far as natural extension of cultivation and ordinary requirements of rural life are concerned, and subject to these predominant considerations, model rules can be proposed for the acceptance of the *panchayats*. Some restrictions there will be, but these will proceed from within, and will not be imposed from without. This makes all the difference in the world. Arguments in support of this suggestion have already been given in the previous pages and need not be reiterated.

43. An objection may be raised that, at present, rights of easements are exercised by the neighbouring villages over areas comprised within the boundaries of a different village. These prescriptive rights will, however, continue as heretofore, so this consideration should not deter the Government. It may be argued that in some villages, large areas, extending over a

number of mile, are enclosed within these boundaries. It is possible that there may be some spare areas within a few villages, but in the majority of cases they have to answer the needs of many a surrounding village. But if there be such, as have enough to spare, the village community should be advised to lease the areas in excess of their requirements to the divisional councils or district boards to be constituted under the new Act. The village *panchayats* will be correlated with these bodies, and if the district boards are to benefit by the income of these forests, they will have a strong incentive for managing them economically. The district boards are even now in charge of many departments, which are administered through expert agencies, such as the Public Works and the Medical Department etc. They can similarly take over the Forest Department.

44. As has been shown previously, the Kumaon forests cannot afford to pay the working expenses even, if they are managed in the orthodox departmental style. In any case the provincial exchequer will not suffer seriously as the Government is pledged to devote the net surplus towards the betterment of these parts. Even if the district boards have to forego any prospective assistance, this will be no cause for regret. The horse need not be starved to make provision for a liveried groom; it should naturally prefer a healthy and full meal to the kicks and fists of a robust attendant. We do not want any hospitals or roads, if, in the bargain, we have to sacrifice our health and manhood: better that we are confined to our natural resources than to be bled profusely by artificial means, albeit we get back a portion of this blood through a highly finished instrument. We should be foolish indeed to part with our cow, so that condensed milk tins may be brought near our homes to be purchased by us at exorbitant rates on occasions of emergency.

45. It is possible that if the villager is given full scope, a network of cottage industries will be established. The Government will not be required to do anything more than research work and initiating pioneer industries. Nor should there be any

difficulties in the working of the turpetine distillery, for, if adequate wages are paid, the villagers will not shrink from collecting resin. Perhaps the tapping may have to be done at a weight of more than 6 ft. from the ground and some further precautions may be needed during the fire season, but if it is made worth while for the villagers to continue the business, they will be able to devise means to keep it alive. Similarly if the *chir tar* manufacture be a profitable business and there be a few model works to stimulate the industry, it will take root in course of time. But if there be any difficulty or apathy in such industries, the simple industries which flourished in olden days and some even in recent times, can be revived again. In pre-British days Kumaon was self-contained. Less than a 100 years ago we produced the raw material, spun our own yarn and manufactured the cloth we required. Just when the British came to the country, the tax on looms yielded an annual revenue of about Rs. 50,000. Similarly we worked our mines and extracted iron and copper ore and utilised minor forest produce in a number of ways, in the preparation of mats, baskets, etc. If vexatious restrictions are removed, we can do a lot in this line. We can rear goats and use their wool for blankets and coaise cloth. Similarly we can prepare hempen cloth, smelt the mineral ores, prepare baskets, mats etc., and produce *ghee* and other sorts of dairy produce for export. These means can bring us a good deal,—certainly not less than the crude resin and the dubious tar. Turpentine and tar are good by themselves, but one can do without them, but, certainly not without raiment or food. Restore our forests to us and kindly teach us to revert to our primitive ways. This civilisation has gone a long way in emasculating and reducing us to a state of utter helplessness. So let us go back to the old days of simple abundance, when we were happy and self-respecting.

46. Some minor advantages will also accrue from the course suggested above. It will serve to remove a grave anomaly and to regularise and rationalise the system of land tenures prevailing in Kumaon. All over the village is the unit of settle-

ment and the coparcenary body is empowered to augment the cultivated area during the period of settlement. The Land Revenue Act, which is applicable to Kumaon also, attaches full importance to the village boundaries and to the village as a unit; but strangely enough these boundaries have been practically neglected in Kumaon, though the practice is obviously illegal. The revenue settlement under the new system, which will be in fact a revival of the old, will relate not to isolated plots of land but to integral villages.

It will also serve to put an end to the futile and yet costly litigation that is rampant in these parts on this account. There is a regular scramble for petty plots of land. The *nayabad* grants are generally the subject of tough contest and a lot of the valuable time of public officers is wasted in determining disputes relating to *benap* lands. Sub divisional officers have to travel a lot to make investigations in connection with *nayabad* applications, and villagers have to cover long distances, say, from places like Badri Nath to Naini Tal, simply to file objections to proposed grants in the Commissioner's court. These contests are detrimental to the growth of a robust spirit of comradeship, as they tend to foster a factious and litigious spirit.

47. I need not cover the same ground over again. The facts and arguments mentioned in the previous pages urgently call for the following measures :—

1. Sec. 78 of the Forest Act should be repealed.
2. Every possible facility should be given to the villagers to obtain fire arms for the protection of their crops and their lives. The instructions issued on the subject by the Government of India early in 1920 have been totally disregarded by the local officers. "Refuse" is the stereotyped form of order on applications for arms licenses. A general order should be sent to the villagers informing the latter that licenses can be had for the mere asking. Not only this, but the Government should make a special grant to advance loans to the villagers, in the same manner as *takavi* loans are made, to enable

them to purchase fire arms.

3. There should be no restrictions whatsoever in the matter of shooting, etc., in the protected or reserved forests. Every one holding an arms license should be considered entitled to shoot.
4. In the case of forests lying outside the village boundaries, there should be no restriction in the matter of the removal of minor forest produce, and the reservation should be confined only to such species of timber etc, as are commercially valuable.

I have ventured to make the above suggestions in the hope that they will be advantageous to all concerned, as I believe that these measures are essential for the preservation of man to whom I have been taught to attach greater importance than to a tree or to a beast of the jungle. As the Latin proverb goes, in protecting a thing we should not destroy the cause of it nor the object for which that thing is necessary or desirable.

48. In this connection would it be too much to hope that while inaugurating the new policy, the Government will be pleased to release all those villagers who have been incarcerated in connection with the forest fires of 1921 about which the Government has not hesitated to libel any body and every body in Kumaon. I do not consider it proper to discuss this matter on its merits at the fag end of my note which has already become too prolix. But assuming the convictions were warranted this cannot be denied that those unfortunate people have been the victims of a wrong policy foolishly adhered to in the face of unanimous and constant opposition on the part of the people whose life has been rendered intolerable by that policy. Even if it be assumed that these persons have been the dupes of evil-intentioned agitators, they have been taught a lesson which they will never forget. I should not be supposed to be making any plea on behalf of the agitators themselves who should be found ready to pay the price of their convictions if they possess any. But pray permit the unlucky villager to return to his people.

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